

PB# 98-23

DELJO ENTERPRISES
SITE PLAN

57-1-105

98 - 23 Deljo Enterprises Sub. (4 Lots)
(Clearwater)

Approved 2-5-99

DATE July 6, 1998 RECEIPT 98-23 NUMBER
 RECEIVED FROM Delgo Enterprises, Inc.
 Address P.O. Box 361 - Chester, N.Y. 10918
Six Hundred 00/100 DOLLARS \$600.00
 FOR 4 Lots @ \$150.00 ea - Subdivision Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	600 00	CASH	
AMOUNT PAID	600 00	CHECK	#11033
BALANCE DUE	-0 -	MONEY ORDER	

BY Maryl Mason

DATE July 6, 1998 RECEIPT 297883 NUMBER
 RECEIVED FROM Delgo Enterprises, Inc.
 Address P.O. Box 361 - Chester, N.Y. 10918
Fifty and 00/100 DOLLARS \$50.00
 FOR 112 Application Fee (#98-23)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#11033
AMOUNT PAID		CHECK	50 00
BALANCE DUE		MONEY ORDER	

BY Town ClerkBY Dorothy W. Hanger

DATE Jan 12, 1999 RECEIPT 037469 NUMBER
 RECEIVED FROM Delgo Enterprises, Inc.
 Address P.O. Box 361 - Chester, N.Y. 10918
Two Hundred seventy 00/100 DOLLARS \$270.00
 FOR P.B # 98-23

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#11673
AMOUNT PAID		CHECK	270 00
BALANCE DUE		MONEY ORDER	

BY Town ClerkBY Dorothy W. Hanger

DATE January 12, 1999 RECEIPT 98-23 NUMBER
 RECEIVED FROM Delgo Enterprises

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AMOUNT PAID	600 00	CHECK	#11033
BALANCE DUE	-0 -	MONEY ORDER	

BY Mural Mason

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DATE July 6, 1998 RECEIPT 297883
RECEIVED FROM Delgo Enterprises, Inc.

Address _____
Payable over to DOLLARS \$50.00
FOR P.B. Application Fee (#98-23)

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#11633
AMOUNT PAID		CHECK	50 00
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy N. Hansen

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DATE Jan 12, 1999 RECEIPT 037469
RECEIVED FROM Delgo Enterprises, Inc

Address _____
Two Hundred seventy 00/100 DOLLARS \$270.00
FOR P.B # 98-23

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	#11673
AMOUNT PAID		CHECK	270 00
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy N. Hansen

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DATE January 12, 1999 RECEIPT 98-23
RECEIVED FROM Delgo Enterprises

Address P.O. Box 361 - Chester, N.Y. 10918
Fifteen Hundred 00/100 DOLLARS \$1500.00
FOR 3 Lots Recreation fee

ACCOUNT		HOW PAID	
BEGINNING BALANCE	1500 00	CASH	
AMOUNT PAID	1500 00	CHECK	#11674
BALANCE DUE	-0 -	MONEY ORDER	

Mural Mason
BY Mural Mason

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DATE January 12, 1999 RECEIPT 98-23
RECEIVED FROM Delgo Enterprises, Inc.

Address P.O. Box 361 - Chester, N.Y. 10918
Two Hundred Eighteen 00/100 DOLLARS \$218.00
FOR Additional Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	218 -	CASH	
AMOUNT PAID	218 -	CHECK	#11675
BALANCE DUE	-0 -	MONEY ORDER	

Mural Mason
BY Mural L. Mason

DATE January 12, 1999 RECEIPT ^{N U M B E R} 98-23
RECEIVED FROM Deljo Enterprises, Inc.
Address P.O. Box 361 - Chester, N.Y. 10918
Six Hundred Thirty-Two 76/100 DOLLARS \$ 632.76
FOR 2% of \$31,638.00 Inspection fee

ACCOUNT		HOW PAID	
BEGINNING BALANCE	632 76	CASH	
AMOUNT PAID	632 76	CHECK	
BALANCE DUE	- 0 -	MONEY ORDER	

BY

Myra L. Mason



RESIDENTIAL
COMMERCIAL

DELJO HOMES
BUILDING CONTRACTOR

JOHN AMANTE
914-496-5320
FAX 914-496-4603

P.O. BOX 361
CHESTER, NY 10918

Clear water

98-23
Map Number 27-99 City []
Section 57 Block 1 Lot 105 Town [X]
Village [] New Windsor

Title: Deljo Enterprises, Inc.

Dated: 11-20-98 Filed 2-11-99

Approved by Edward Stent SR

on 2-5-99

Record Owner Deljo Enterprises Inc.

DONNA L. BENSON
Orange County Clerk

2 Sheets



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.
NEW YORK, NEW JERSEY
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MEMORANDUM

(via fax)

20 September 2000

**TO: MICHAEL BABCOCK, TOWN BUILDING INSPECTOR
LARRY REIS, TOWN COMPTROLLER**

FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER

**SUBJECT: DELJO SUBDIVISION
MHE JOB NO. 87-56.2/98-23**

This memorandum shall confirm my reviews of the subject site during the construction of the private road improvements and my completion review on 9/19/00.

It is my opinion that the developer has completed the private road work in substantial conformance with the plan as approved by the planning board.

I recommend that any performance/completion guarantee currently held by the Town be released at this time.

If you have any questions regarding the above, please do not hesitate to contact me.

Babcock09/2000.doc

*Larry -
Please issue a
check to Deljo Enterprises
for release of this bond.
Thank you,
myra*

TOTAL P.01

PUBLIC HEARING:

DELJO SUBDIVISION (98-23) LAKE ROAD

James Clearwater, PLS of Azzolina, Feury & Raimondi Engineering Group appeared before the board for this proposal.

MR. PETRO: We have three public hearings tonight, first of which is Deljo subdivision on Lake Road represented by Mr. Clearwater. What we do is the board reviews these public hearings at first, at such time during the review we'll open it up for the public to have their input. And then the board will review it once again following that input.

MR. CLEARWATER: My name is James Clearwater, I'm a land surveyor with Azzolina, Feury & Raimondi. With me tonight is the applicant, Mr. John Monte and his son, John Monte. Mr. Monte has owned this five acre piece on Lake Road for about 20 years and at this point in time, he wants to divide it into four residential single family residential lots. This plan you'll see illustrates the layout of the four lots and also shows a private road which will provide access to three of the four lots. Lot number 4 will access the public road, Lake Road, from Vidi Lane, which is a private road. All four lots will be served by on-site septic systems and individual wells. A private road maintenance agreement is required by the town is in the works and apparently, from what I understand, it's basically ready.

MR. KRIEGER: I'll speak to that when the board is ready.

MR. PETRO: Why don't you do it now.

MR. KRIEGER: I have had a number of communications with the developer's attorneys. We have agreed on an appropriate form, it simply hasn't been executed yet and so while it isn't done, I don't see any difficulty with that, there doesn't seem to be any disagreement.

MR. LANDER: Excuse me, what's the grade going to be on

this new private road?

MR. CLEARWATER: It's 2%.

MR. PETRO: There's no existing homes there now, all four new lots, correct?

MR. CLEARWATER: That's correct.

MR. LUCAS: In the private lane, it's unpaved common driveway, are any of the, is there any other driveways that come into that?

MR. CLEARWATER: Yes, that private road was created at the time of subdivision in 1978 and there are seven lots that access that road including this.

MR. LUCAS: It says unpaved.

MR. LANDER: That was before this private road spec Town of New Windsor has put into effect, is that what you're saying, from the end of this private road where it goes into lots 2 and 3, we have grade difference of 20 feet, we go from 490 to 470?

MR. CLEARWATER: No, the topography was shown on the map submitted several months ago off the USGS map and we have updated on the map.

MR. LANDER: So this is incorrect?

MR. CLEARWATER: Right, the correct field topography was done in July and is shown on this map, it drops 490 out on the road to 486, that's four feet.

MR. PETRO: I'm going to read you number 2 of Mark's comments, on my July 8, 1998 planning board review comments, I noted several comments which require correction for the next submittal which would be tonight. At this time, the applicant's surveyor has not submitted a corrected plan as such. I no additional at comments at this time. What's he referring to?

MR. CLEARWATER: He reviewed the plan submitted back in

July and this plan revised last month addresses all his comments.

MR. STENT: Why hasn't he viewed it since?

MR. CLEARWATER: For the purposes of public hearing, we didn't feel we needed to submit this new plan.

MR. PETRO: This is the corrected plan, so we can go through at the public hearing, obviously, we're not going to take action tonight until he reviews it further, okay. At this time, I'd like to open it up for a public hearing and this is for the Deljo Enterprises subdivision on Lake Road. On September 9, 1998, 15 addressed envelopes containing the attached notice of public hearing went out and we have a signed notary public that it did happen. Is there anyone here that would like to speak on behalf of this application? Please come forward, state your name and address and be recognized by the Chairman.

MR. GUS JONZA: My name is Gus Jonza, J-O-N-Z-A, I live at 22 Vidi Drive, we're all residents of the, we're all residents of the road that is in question.

MR. PETRO: They can have a set of plans.

MR. BABCOCK: Could you just step back, we have to hear everything you have to say also.

MR. JONZA: My land adjoins the land where the subdivision is going to be. The 7 homes that are in this seven pieces of property, residents and homeowners and people, all the land there I have discussed with all of them and it was originally zoned for five acres, that's why we moved into this particular area because of the 5 acre zoning.

MR. PETRO: It is now zoned, Michael?

MR. BABCOCK: One acre.

MR. JONZA: It's zoned one acre because the zoning board changed the zoning since the original subdivision of the--

MR. PETRO: Zoning board or town board?

MR. KRIEGER: Town board changes, zoning board doesn't, just because the board zoning is involved doesn't automatically mean it's the zoning board.

MR. PETRO: It would be the town board. But it's now zoned in the town as one acre, okay.

MR. JONZA: This would create a lot of havoc as far as we're concerned on the, there's a very small dirt road that we maintain ourselves, we feel that the runoff from the septics will run into wetlands that are adjoining that property which run down to two ponds and double back through eventually end up in Beaver Dam Lake.

MR. PETRO: The road you're talking about that you maintain?

MR. JONZA: Vidi Drive, V-I-D-I Drive.

MR. PETRO: Are you going to be using that road to access this property?

MR. CLEARWATER: For one lot, this lot is a party to the original maintenance agreement that was established back in 1978.

MR. PETRO: So, you have a right to travel on the road then?

MR. CLEARWATER: For one lot.

MR. PETRO: And you're traveling on the road for one lot?

MR. CLEARWATER: Right.

MR. PETRO: The rest is being accessed from Lake Road?

MR. CLEARWATER: That's right.

MR. JONZA: Am I to understand that the access for the

three of the four homes are from Lake?

MR. CLEARWATER: From another private road, a new private road here, this is Lake Road here, Vidi Lane.

MR. JONZA: Vidi Drive.

MR. CLEARWATER: This is a new private road here to service lots 1, 2 and 4, lot number 4 will access Vidi.

MR. PETRO: You understand he has legal access to the one lot only off of Vidi Lane.

MR. JONZA: Well, I still think that the subdivision is really going to destroy our quality of life in the area, everyone else has decided to keep the 5 acre zoning and we would really like it to remain that.

MR. PETRO: As a board, how would you suggest that I do that? In other words, he has a right to come in and subdivide his property if he meets local Town Law, which is one acre zoning. So we don't have any say over whether he can or he can't, but basically, how he is going to do it.

MR. JONZA: The study on the land was made 20 years ago, how do we know that the land hasn't changed somewhat in the 20 years due to erosion, due to what have you, so that it isn't sufficient enough to support the four homes there for sewage or water, wells so forth and so on.

MR. PETRO: Have you done test pits for percolation?

MR. CLEARWATER: All four lots septic systems were designed as per the New York State Health Department requirements. Two percolation tests and two deep tests per lot.

MR. PETRO: And they came back within guidelines set by New York State?

MR. CLEARWATER: Well within the parameters of the Board of Health.

MS. EMMA MCPHERSON: What type of septic are you putting in? Emma McPherson, I also live back there at 61 Vidi Drive. I have the most to lose, I think because I'm on a wetlands, I own a pond back there. I went through a lot of expense putting in pits, I had to have a proper, a survey redone to put pits in because the DEC says and I have a letter from them saying I cannot disturb my wetlands, I had to build at least a hundred feet away from my stream and my pond. I had to put in pits, not leach fields, I'm not allowed leach fields back there. I'm on a downhill of every single person that lives on that road. I am the last house all the way in the back. I will end up with a problem with my pond and my stream. I have a pond here and a stream that runs behind my house and another stream that runs this way and they both let out into Beaver Dam and I had to go and build special pits for my sewage just so we wouldn't affect that.

MR. PETRO: But you're telling me that the deep test pits that you did and everything has passed the Board of Health. What was the perc that you had there?

MR. CLEARWATER: That's right.

MR. PETRO: What kind of perc was it?

MR. LANDER: Could you show me on the map which lot is yours?

MR. CLEARWATER: Perc rates range from four minutes, perc rate was between 4 minutes and 32 minutes.

MR. PETRO: And all the proper separations between well and septic systems are in place on the map?

MR. CLEARWATER: That's correct.

MR. PETRO: And on each lot?

MR. CLEARWATER: That's correct.

MR. PETRO: You have to have proper separation, you can't put a well within a hundred feet.

MR. BABCOCK: It depends whether it's uphill in the path of drainage.

MS. MCPHERSON: If it does affect that, he builds them, he goes on, he moves, these people, who do I sue?

MR. PETRO: I don't know.

MS. MCPHERSON: Cause I will. Who do I sue, this gentleman or the four landowners, cause I'll have to tell people that buy those buildings I'll sue them if they affect my pond. I moved in there, I don't have a lot of land, I moved in there for that pond because that's the kind of life I want to have. There's herrings that live in there, there's mallards, there's deer, there's all kinds of wildlife, that's why I moved to this piece of land. I honestly will sue anyone who destroys that.

MR. PETRO: The best way to answer your kind of a question and the gentleman proceeding you is you have to understand what if you were the applicant that's before us tonight and I always say supposing your grandmother had left you this property and now you want to develop it because your three kids want to put up some homes, you have been paying taxes on the property and you're within your legal right under town zoning law to put these number of homes there and you came before this board and we said we don't think it's a good idea. What would you do?

MS. MCPHERSON: I'm not sure, I'm not going to answer that question, I'm not that person.

MR. PETRO: So what we have to, I have to address it, I have to address your concerns and his legal right to put those homes there on the property where the lawyer says they can go.

MS. MCPHERSON: My question just is in the law, who's responsible?

MR. PETRO: I would suggest that you contact an attorney and ask him that question. I'm not an attorney.

MS. MCPHERSON: I just want to make sure that I know who's responsible.

MR. PETRO: But what we have to do we'll check on the percolation, the separations, he has to meet the standards set down by New York State, he has to meet or exceed them.

MS. MCPHERSON: Cause all runoff always ends up at my door, my driveway runs away because of runoff from everyone else's property and so the more you fix the land up there, besides, even the wells and septic, the more you bother the land, the more it's running down and eroding my driveway.

MR. PETRO: You're going to have a roof with gutters, obviously, you're collecting the water, it's not going into the ground, we have that affect, especially on commercial properties, where you have all the blacktop and the roofs. So you're collecting it but again, still the law is stating that if he has the proper percolation for the septic systems that he has designed, and the setbacks of the wells the lots meet the proper size which is unfortunately at this time for yourself it is one acre. We as a board have no say that you can or cannot build on those lots. We're interested in the sight distance of the driveways, location of the driveways, the location of the house, with the proper setbacks from the proper side lines, front yards and some other information but a yes or no does not come from us.

MS. MCPHERSON: How about the road itself? Now that there's plenty of people moving into the road, is the town going to turn it into a road because we shouldn't have to pay for that?

MR. PETRO: No, it's still going to be a private road.

MS. MCPHERSON: But you're getting taxes, I pay a heck of a lot of taxes.

MR. PETRO: We all do.

MS. MCPHERSON: But do you have a private road?

MR. PETRO: I happen to, yes, matter of fact, there's 6 but I maintain it, but it's still--

MS. MCPHERSON: We're going to have 13 back there when he puts 4.

MR. PETRO: There's only one coming off of the Vidi Road is it, why don't you show her the one lot and the other three?

MS. MCPHERSON: I can see it.

MR. PETRO: The other three are accessing but you're adding another one on the private road, but there's a legal description that says that he can do that, that went with the original property, is that correct?

MR. CLEARWATER: Correct.

MS. MCPHERSON: When does the town decide there's enough taxes paid?

MR. PETRO: That is not how it becomes a town road, it has to go up to town specs, if the town wants to take it over.

MS. MCPHERSON: Who decides that?

MR. PETRO: Whenever the road maybe improved to town specifications, you have to get together with the other 13 lots, build a road, put the curbs in and it would be something you wouldn't want to do, I'm sure.

MR. LANDER: If I may just answer that for you, originally when this property was subdivided, Vidi Lane, Drive, whatever, the developer at that time with that many lots had a choice, private road, town road, cheaper to put in a private road. So that's the way it's done. Then, after the homeowners got involved, the lots were sold off, everybody got a piece of this pie, there's a maintenance agreement, I'm sure.

MS. MCPHERSON: Yes, but he also made 5 acre lots which

is what we bought with.

MR. LANDER: I'm trying to answer your question about how it becomes a town road versus a private road.

MS. MCPHERSON: So, it never becomes a town road?

MR. LANDER: Unless you make it.

MS. MCPHERSON: Unless we go through the expense?

MR. LANDER: Right, normally they stay private roads forever.

MS. MCPHERSON: How does the town then say gee, now we decide they are one acre lots, we bought them at 5 acre lots, if you can't decide a private road, why can you say from five acres to one acre?

MR. LANDER: We can tell you that you can only have four lots on a private road. The laws change, code book has been revised I don't know how many times probably since you bought your property went from five acre that might not have been the zoning this fella might have said because of the terrain, we're only going to make these 5 acre lots, it will be easier to sell.

MS. MCPHERSON: Actually, it was in the deed that we could not subdivide.

MR. LANDER: Subdivide your lot?

MS. MCPHERSON: No, any of them, it was in all of them that we could not subdivide.

MR. LANDER: But still that's what he chose to make these 5 acre lots, whether the zoning was that at that point in time, I really couldn't tell you.

MR. PETRO: How about a deed restriction on this particular parcel, Andy, would there be a deed restriction somewhere that it could not be subdivided?

MR. KRIEGER: Without looking at it--

MR. BABCOCK: Mr. Chairman, there really wouldn't be any way that they are building the house, there would be no way that they can subdivide this particular lot, any one of these lots in the future.

MR. LANDER: That piece.

MR. KRIEGER: Existing deed restriction.

MS. MCPHERSON: We have an existing deed restriction.

MR. KRIEGER: First of all, the existence or not of a deed restriction and its validity is something that the court has to pass on, not something that the planning board has jurisdiction over, not something they can affect either way. Whether in fact there's a deed restriction is a legal question. I would suggest that what you have to do, what you should probably do collectively is consult an attorney with respect to that and bring all of your deeds because that attorney is certainly going to want to know if it is just one deed, that is one thing, but if it's the whole area and say they all came from common--

MR. JONZA: All of our deeds specify.

MR. KRIEGER: Okay, my job at this point is to advise the planning board and as I have told you, it's not something the planning board can do anything about one way or the other.

MR. PETRO: Okay, that's enough then. What we'll do is we're going to continue, you may want to look at that avenue, I'm not working against the applicant, but if they are right, they are right, if there's a deed restriction on that.

MS. MCPHERSON: How much time do we have?

MR. PETRO: We're not taking action no matter what, there's another two weeks before they are back, it's 5.1 acres.

MR. LANDER: Could you tell me when do you know when

these lots were subdivided?

MR. JONZA: October 2, 1978.

MR. LUCAS: Before the development, before the 5 lot subdivision?

MR. JONZA: Yes.

MR. CLEARWATER: All at the same time.

MR. LANDER: You've got four lots on Lake Road then this piece?

MS. MCPHERSON: We're not on Lake Road.

MR. LANDER: I know that but these lots are.

MS. MCPHERSON: I have the original map.

MR. PETRO: What are you driving at?

MR. LANDER: There's one acre lots.

MR. PETRO: Already one acre lots. Well, I'll tell you what we're going to do, I don't want to get in this aspect of it now, please, if you want to contact an attorney, look further into that with deed restrictions and then take further action later.

MS. MCPHERSON: Who do I take action with? Who does my attorney speak to?

MR. PETRO: If they find out there's a deed restriction.

MR. KRIEGER: Depending on the, it all depends on the deed restrictions and so forth, but generally speaking, when you look at a restriction like that, you tend to look back to first of all whether there's a commonality, restrictions came back from a--

MR. PETRO: Who does she contact?

MR. KRIEGER: Well, it's a matter that--

MR. PETRO: Yourself or the town attorney?

MR. KRIEGER: Neither one. If she's going to bring action, her remedy, if it exists, is to bring action either against the developer, when I say action, legal action against the developer or the owner of this lot. I'm not, remind you, I'm not saying that such a thing is viable or not viable because it's not a question the planning board can decide, but if an action exists, then it has to be brought directly against the developer and has to be brought to Supreme Court.

MR. PETRO: Again, as I told you earlier, we're not taking action tonight, therefore, you have some time to--

MS. MCPHERSON: Now I have to get an attorney and sue him.

MR. PETRO: I don't know about suing or whatever.

MS. MCPHERSON: I have to do something.

MR. KRIEGER: You have to consult with a private attorney.

MS. MCPHERSON: And go where with my private attorney? I have to give my private attorney somewhere to go, who does he go to?

MR. KRIEGER: With respect to what a private attorney is going to do or not do, I--

MS. MCPHERSON: I work in a major law firm in New York, so I don't have a problem with that.

MR. KRIEGER: I wouldn't presume to tell him or her how to do their job.

MR. PETRO: We have to move on with this.

MS. MCPHERSON: I'll find someone. Thank you.

MR. PETRO: You have some avenue to go, I guess.

Anyone else want to speak on behalf of this application?

MR. VAN LEEUWEN: Jim, I remember this subdivision very well when I sat on the board. The reason why he did five acre lots basically and so many restrictions were in there, okay, and if I remember correctly, we asked him to put them in there, some of the lots have them, some of them don't. The reason is so we didn't have to go to the health department.

MR. BABCOCK: Five acre lots.

MR. VAN LEEUWEN: Some of them had the restrictions and some of them don't, I remember the subdivision, I was on the board in '78.

MR. PETRO: That's up to the young lady, whatever she wants to pursue, it's not a restriction because we're powerless one way or the other. So we're going to go ahead. Anyone else want to speak on any other matter that has not been discussed?

MS. GAIL JONZA: Gail Jonza. There are lots and lots of deer, unfortunately, lots of hunters which we have been trying to keep out of our property which is very hard and we're concerned about all the wildlife.

MR. PETRO: Well, I have a standard answer to that and nobody ever likes it but I find that it is very effective. My answer is where does the wildlife go where your house is? In other words, they'll find a place to go, they'll be displaced for a while, but they'll move on and find other places. We cannot expect a man who's paying taxes on property that is a viable piece of property to build on take into consideration where the deer are going to go. I like deer myself, I have them all around my house. I do feed them and I like them, but that doesn't mean that we have to look at the subdivision and figure out where deer are going to go. When I built my house, they moved somewhere else. I don't know what else to tell you.

MR. LONZA: But right now, there's 50 acres in there,

approximately, the wildlife can be supported by one house every five acres, they are certainly going to be uprooted if you put, hypothetically, everybody would subdivide and we could have 50 houses in there and then the town would get more tax money, so they'd be happy.

MR. PETRO: I don't think the town comes out ahead, sir, when you have single family houses being built, I think it costs the town money, town will maybe do well on major commercial construction, as far as a tax base, but certainly not on three bedroom houses.

MR. LONZA: Five houses on, five houses is going to be a lot higher.

MR. PETRO: If they all have three children and going to school and using water and sewer and other utilities and whatever, I don't think the town comes out ahead, we're not looking to do this.

MR. LONZA: What's the function of the planning board?

MR. PETRO: We're not to say yes or no, we're saying how and that is proper setbacks and side yards, front yards, rear yards, driveway locations, sight distance of the driveways, proper separations or the well septic.

MR. LONZA: I have a field that is flooded eight to ten months out of the year from the runoff from that property before the trees are taken down.

MR. PETRO: That's more of a valid question and I'm not belittling your question about the deer, but there's nothing I can do about that. This question we can address what about the drainage, are there any dry ditches, what are you doing for drainage from the five acres, how are you addressing the drainage problem.

MR. CLEARWATER: The runoff from the property now runs to the back to Mr. Jonza's.

MR. LONZA: That's correct, to my land, all of them.

MR. CLEARWATER: And will continue after the

subdivision is built. The change in the property will be four roofs, four driveways and an 18 foot wide paved road. It's our professional opinion that the increase in runoff by virtue of those impervious areas is insignificant.

MR. LONZA: I think it is significant because now, the five acres are completely vegetated which, you know, soaks up the moisture, my land is approximately 15 feet lower than the edge of that land and not to the top of the hill by Lake Road, which is on an angle down like this to my land right now. My land is wet all the time now, if you put driveways in, if you take all the trees down, if you take all the bushes down, I'm going to get like it's going to be flooded more so and more of the time.

MR. CLEARWATER: If you were to address the DEC, DEC publishes data, the coefficient of runoff between a grassed area, be it a lawn as opposed to woods, is virtually the same.

MR. LONZA: Is there a law that people have to put a lawn?

MR. CLEARWATER: They can leave it woods, if you want, the coefficient is the same.

MR. PETRO: They are both the same?

MR. CLEARWATER: Only increase--

MR. LONZA: Well, if it's all macadam, it's going to be to be more of a runoff.

MR. CLEARWATER: I'm not going to debate the fact that there will be an increase in runoff by virtue of four roofs, four driveway and 18 foot road, but what I am saying from our professional opinion from being engineers is that that is why we're licensed is that the amount of increase is insignificant.

MR. LONZA: To me or to you?

MR. CLEARWATER: Unfortunately, the town engineer is

not here tonight, but I will be very happy to submit our runoff calculations to Mr. Edsall or he can make his own calculations to check our water.

MR. PETRO: That's what we're going to do, cause I don't want to belabor this with a match going back and forth. We'll have our engineer do some calculations and make sure they match with his as far as the runoff, if it's going to be increased or not, if there's an increase that is significant then we'll have to look at another.

MR. LONZA: What's his name?

MR. PETRO: Mark Edsall.

MR. CLEARWATER: If he feels some sort of mitigation is required, then we'll address it.

MS. MCPHERSON: It's actually the New Windsor engineer, whoever it was, the building engineer who made me redo my septic tanks because of my pond because the DEC came back and sent me a letter saying you can't have leach fields running down into your pond and everything does run down into my pond. That is really my concern.

MR. PETRO: We'll doublecheck on the drainage, they are going to be back here and we'll address that.

MS. MCPHERSON: When is the next meeting?

MR. PETRO: It's the second and fourth Wednesday of every month and you can check with the planning board secretary as to the agenda prior to that.

MS. MCPHERSON: Thank you.

MR. PETRO: Any other questions different from what we have already discussed? All right, I'll entertain a motion.

MR. STENT: Motion that we close the public hearing.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Deljo subdivision on Lake Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: At this time, I'm going to reopen it up to the board, we're going to discuss it a little further. You don't need the map, I think we have a good idea what we're doing. You heard a couple of the concerns, we need a little more information from yourself or Mark about the runoff and the topo here, these topo lines are rather far apart.

MR. CLEARWATER: The map that was submitted that you have for the purposes of public hearing, the topo was taken from the published--

MR. PETRO: An overlay?

MR. CLEARWATER: That's correct and the field topo that we did a month ago will be on the map that you'll see next two weeks.

MR. STENT: I think he should bring everything up and address and make sure Mark looks at it and we'll take a look at it.

MR. LANDER: Maybe we should make a site visit on this project, Mr. Lucas said maybe they can swale all the water to Vidi Lane, but I don't think there's anything on Vidi Lane to catch the water.

MR. CLEARWATER: We're not swaling to Vidi.

MR. LANDER: No, I was just making a comment.

MR. LUCAS: We'd be able to look and see but where does the water run from Vidi Lane?

MS. MCPHERSON: Into my pond.

MR. LONZA: It runs from that property into my property and there's a pipe under the road, it runs under the road through a stream, there's another pond on the other side of the road through another gentleman's land who was supposed to be hear, then it turns, goes down into the pond, McPherson's pond and then it goes under the railroad in a stream back to Beaver Dam Lake.

MR. LANDER: So the water is controlled.

MR. LONZA: It's controlled in what sense?

MR. LANDER: Well, if the water wasn't going on your property and it existed or entered Vidi Drive, where would it go then?

MS. MCPHERSON: Wait a second, it enters either the way he said or straight down Vidi. When it's driving straight down Vidi, down my driveway right to puddles on my driveway that don't seep down into the ground.

MR. LANDER: If they took from it these one acre lots and brought it to Vidi Lane, where would it be going?

MS. MCPHERSON: It's either going to go into the pond or it's going to go into my driveway which ends up in my house, well, not in my house, but down my driveway.

MR. PETRO: We're trying to figure out a way to direct the water on this subdivision.

MR. LUCAS: I think a site visit would be necessary.

MR. ARGENIO: I agree.

MR. PETRO: We'll set up a site visit, the board will actually take a ride and look and then we'll use that information at the next meeting.

MS. MCPHERSON: If you want to tell me when you're

coming, I'll show you where it all runs.

MR. PETRO: Contact the planning board secretary.

MR. LANDER: Leave your name and number with the planning board secretary.

MR. PETRO: 563-4615, Myra.

MS. MCPHERSON: Thank you sir.

MR. PETRO: Any other questions for this applicant at this time?

MR. STENT: Is this the final plan that we're looking at in front of us tonight?

MR. CLEARWATER: No.

MR. STENT: Are we supposed to even look at this?

MR. CLEARWATER: I will submit new maps tomorrow.

MR. BABCOCK: I think what you need to do, what Mark talked to me about was is that any new items that the public may come up with will be addressed by Jim and then at a workshop, Jim is going to what he's already done addressed everything that Mark has already asked for and he's going to have to address at least drainage and then go to a workshop and make sure Mark's happy before he comes back to this board.

MR. PETRO: Okay.

MR. CLEARWATER: Yes.

MR. PETRO: Thank you.



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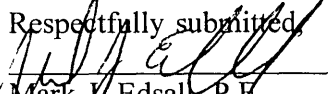
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REVIEW NAME: DELJO ENTERPRISES SUBDIVISION
PROJECT LOCATION: LAKE ROAD (NEAR VIDI LANE)
SECTION 57 - BLOCK 1 - LOT 105
PROJECT NUMBER: 98-23
DATE: 23 SEPTEMBER 1998
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE 5.1 +/- ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS REVIEWED AT THE 8 JULY 1998 PLANNING BOARD MEETING. THE PLAN IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.

1. As previously indicated, the project is located within the R-1 Zoning District of the Town. The "required" bulk information shown on the plan appears correct, although the maximum building height should be 35'. Each of the lots appears to comply with the minimum bulk requirements for the zone.
2. In my 8 July 1998 Planning Board review comments, I noted several comments which required correction for the next submittal. At this time, the Applicant's surveyor has not submitted a corrected plan. As such, I have no additional comment at this time.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:DELJO2.mk

DELJO SUBDIVISION (98-23) LAKE ROAD

Mr. James Clearwater appeared before the board for this proposal.

MR. PETRO: We had set up for a site visit on this site and I happen to know that at least two of the members which would be Mr. Argenio and Mr. Lander spent some time out there. I don't know if Mike you had time to go?

MR. LUCAS: No, I didn't.

MR. PETRO: They have some good input and we'll call on them later so they did visit the site.

MR. CLEARWATER: My name is James Clearwater. I'm a land surveyor. Since the last planning board meeting we were at, representatives from our office met with Mr. Edsall on the site and subsequently met with Jim Pullar from the Highway Department and we revised the plan slightly reflecting some comments that the both had made.

MR. PETRO: I'm sorry, let me read that in from the highway department, we have approval, says Deljo Lane is to slope away from Lake Road, follow detail for private drive on sheet 2 of 2, so you already have that information?

MR. CLEARWATER: Yes.

MR. PETRO: Now that I have interrupted you and broken your train of thought.

MR. CLEARWATER: No, I was basically finished. Beyond that, we're basically all set here.

MR. PETRO: We reviewed this on July of 1998 and 23 of September, 1998 and again, this application proposes subdivision of 5.1 acre parcel into four single family residential lots. Once again, this is permitted use in the zone?

MR. EDSALL: Yes.

MR. PETRO: Lots all conform with size?

MR. EDSALL: Yes.

MR. PETRO: And we have highway approval on 10/9/98 and we have fire approval on 10/14/98. Gentlemen, open up for questions to any of the board members?

MR. LANDER: Mr. Chairman, myself and Mr. Argenio took a ride out there and we went down Vidi Drive and Vidi Drive itself is steep and we went right to the bottom and even drove back into someone's long extensive driveway, I don't think there was a name on the mailbox. But as far as permitting any of this drainage here onto Vidi Drive, there's no control, water control on that lane because the water seems to be running right down the middle of that, there's one culvert down at the bottom of that road before it starts climbing grade again, looked like 10 or 12 inch CMP, and rather wet down at that end. It seemed to me that it was quite a distance from Mr. Brenner's back of his property on Vidi Drive down to that culvert. And my suggestion would be not to try to control this water from actually these three lots in the back which would be lot 2, 3 and 4, but to leave a buffer of trees vegetation or whatever and just let this sheet flow, that's the way it's going now. As far as changing it, we're going from 460 to 480, water runs downhill, Mr. Chairman, and that's it.

MR. PETRO: Lot number 1 is already there, that's the way it's going no matter what.

MR. LANDER: That's my thought on taking a look at that.

MR. PETRO: Mr. Argenio, you were there.

MR. ARGENIO: I think Mr. Lander has pretty much summed it up. The only thing that I would add to his comments was that I don't know if we can require this or not, Mr. Chairman, but if culvert is going under Vidi Drive, looked like it was either collapsed or near collapsed.

MR. LANDER: It was undersized.

MR. ARGENIO: At least undersized and the water was backing up.

MR. PETRO: Maybe have it cleaned out would help a little bit.

MR. ARGENIO: If it's collapsed, sure, it would help.

MR. LANDER: Or put a bigger size.

MR. ARGENIO: That would also help the integrity of the road because it seems as though while it is a private road, it was in fair shape, I'd say until you got to the low point of the vertical curve where the culvert is when there's evidence of the water flowing over the road and deteriorating the road.

MR. PETRO: We also had a site visit which was conducted by the town, the planning board engineer, you on the afternoon of September, of October 2, 1998, Mr. Edsall went with the applicant and their engineer at the subject site and reviewed area drainage pursuant to the concerns raised at the public hearing. We walked through the proposed subdivision property and noted that the contours are consistent with our observations of gently sloping property downhill from east to west. It would appear that the current drainage conditions are sheet flow and it is likely that the post development flow will be minimally affected and maintain the same general pattern. We discussed details regarding the discharge of storm water from the private road collection system and it was agreed that outlet stone dissipation area be provided as far as back from the property line as possible. A stone wall at the property line will further dissipate the area discharged. While in the area, I also drove down Vidi Drive, noted that the road contains eroded areas and washouts from existing drainage conditions, obviously, this continued for a good portion of Vidi Drive. I also observed a low lying wet area at the center area of Vidi Drive, which would appear to be the existing storm water collection area. Based on my observation and the application information submitted to me, I see

no conditions or information that would lead me to believe that the project will have any significant impact from a drainage standpoint. With that being said, Mark, the only question that I have is the stone, this dissipation area, where exactly on the plan are you suggesting that?

MR. EDSALL: They have it on already, what they have done, instead of having the culvert pipe discharge down to the west, near the property line, they have pulled that end section up away from the property line and put some stone riprap which will tend to spread it out.

MR. PETRO: This is added since the last time you were here?

MR. EDSALL: Yes.

MR. PETRO: You feel that will collect all the water from lot 2 and 1?

MR. EDSALL: That's really from the private road the intent was not to have the private road drainage concentrate near the property line, but rather to release it as soon as possible and let it spread out which is basically where it's running now.

MR. PETRO: Will that be part of the bond estimate put up?

MR. EDSALL: That is part of the private road.

MR. PETRO: Do you understand that? So, in other words, it has to be built, you have to put up a bond.

MR. CLEARWATER: Oh, yes.

MR. ARGENIO: Mark, that riprap outflow--

MR. BARRETT: The last time we had a planning board meeting with the homeowners and property owners and we were told that the engineer would look at it and get back to us. As of now, we haven't heard anything about an engineer report and what his findings were so we could, you know, show him around and show him--

MR. PETRO: That's why we're here, we have reviewed it, the engineers reviewed it, the board members are reviewing it and that is the purpose of this board, that is why we're here.

MR. BARRETT: But he said that the drainage pipe was put in there to divert the water from the road which is incorrect.

MR. LANDER: What drainage pipe are you talking about now? We're talking about the new pipe that's going to be on lot 2, not the pipe down in the road.

MR. BARRETT: The pipe in the road.

MR. LANDER: We're not talking about that, he's talking about the pipe that runs from the new private road. Have you seen this map yet?

MR. BARRETT: I didn't see any revisions, I saw the map when we were here last time. Well, this is part of any revisions, I saw the map when we were here last time.

MR. LANDER: Well, this is part of the town or the Planning Board's engineer, part of his suggestion to deal with the water that's going to be on the new private road, and that's the pipe we're talking about now, not the one that's existing.

MR. BARRETT: Is that going to alleviate the water coming down onto my property which comes down now but without the foliage, it's going to come down even much more increased, how much foliage are they going to tear down?

MR. LANDER: That is why my suggestion was leave the buffer zone on his property, okay, lots 2, 3 and 4 and the only water that is coming down there is the water that's going to be on this private road. The engineer could probably explain a little better than I can, but this is another pipe that we're discussing right now.

MR. PETRO: Mark, why don't you take about two minutes, just give an explanation.

MR. EDSALL: I just want to comment on a question that got raised as to how much clearing and I really think or the intended question is how much development would occur because that can have an impact on the down stream area. Town zoning code restricts coverage to ten percent, so this R-1 zone does not allow a tremendous amount of building on the property, so it would, although you may end up with grass areas versus some wood area, it's going to be not impervious surface.

MR. CLEARWATER: That's correct, I think I mentioned at the public hearing, if you we're to look at the coefficient of runoff that the DEC puts out, coefficient of runoff for grassed areas or lawn areas is virtually the same as for wooded areas.

MR. BARRETT: I don't believe it, I can't believe it.

MR. ARGENIO: Mark, I want to ask a question. I was in mid sentence before I was interrupted. I want to finish my point before I forget. The culvert that drains the private road, drains into a riprap swale, obviously, to defuse the energy, et cetera, when that water flows to the south, is it going to have any adverse impact on the septic disposal fields to the south?

MR. CLEARWATER: No.

MR. EDSALL: I can't see how and the point that we should understand is that it's not as if you are taking storm water and redirecting it in a direction that it is not already going.

MR. ARGENIO: It naturally is going to go there anyway.

MR. EDSALL: This development by virtue of its construction does not make it rain any harder or rain anymore, the same amount of rain is going to come from the sky. And if you do allow significant development, it would affect the time and concentration how quickly the water would get downhill, but again, you're looking at the maximum ten percent development coverage. My

opinion is I'm advising you, I don't believe that development will have a significant affect on the environment and the environment includes the neighboring properties.

MR. BARRETT: And if it does?

MR. PETRO: We assume that it is not going to with a ten percent development coverage, you're looking at a minimal, we have to take one direction or the other so we have to go one way or the other.

MR. PETRO: We're trying look out for your interests also. That's why we're going through this process. Okay, that is it on drainage. Any other concerns of the board?

MR. LUCAS: Is that the only, really your only concern is the drainage? Is there any other concern? Is it the value of the house, property you're worried about?

MR. BARRETT: Not primarily, no.

MR. LUCAS: I don't see any problem with the drainage.

MR. PETRO: What about the landscaping you're looking to put some shrubbery or something? Ron, you were talking about some foliage?

MR. LANDER: We can leave a buffer zone in the back here right by the end of the septic system, but I don't know how much room is back there. There is a stone wall there that has to diffuse whatever runoff's coming down there now. But I know there is a dip in that road and all that water comes down, has to cross that road where that culvert pipe is, I assume that is why the pipe's there and looks like the water's been running across the top of the road also so if they leave a buffer zone along this back property line and even on the side, if they wanted to on Vidi Drive lot 4 is the only one that is going to have a driveway going to Vidi Drive, there's going to be one driveway and that would be the only water that I can see would be getting to Vidi Drive to wash it out.

MR. CLEARWATER: Not even that, we have got it graded to turn back not onto Vidi Drive.

MR. LANDER: Let's leave a buffer zone, what kind of a buffer zone can you leave because the other is for expansion, what's the scale on here?

MR. CLEARWATER: 50.

MR. LANDER: If you leave 25 or 30 feet off the property line, can you get 50?

MR. CLEARWATER: No.

MR. ARGENIO: What do you have room for based on your measurements?

MR. CLEARWATER: Between the stone wall itself on lot number 2, between the stone wall and the closest corner of the expansion area of the septic is 45 feet, that's on lot 2.

MR. LANDER: Lot 3 is a little less.

MR. CLEARWATER: About 35 and lot 4, closest corner is 30.

MR. LANDER: So, if you left 25 foot buffer on that back side of the properties, and the same on Vidi Drive, of course you have to have access to get into the driveway, but just so it wraps around and doesn't, we still have some tree line there, you've got to have, it was pretty dense, I couldn't see too far in there but at least a 25 or 30 foot buffer, whatever you can fit in there.

MR. CLEARWATER: You're suggesting that there be a permanent buffer along these lots?

MR. PETRO: It's already wood there, is that correct?

MR. LANDER: Sure.

MR. LUCAS: Your stone wall goes all the way through there?

MR. CLEARWATER: Yes..

MR. LUCAS: That stops a lot of it.

MR. LANDER: I'm only one member.

MR. LUCAS: Is there, on the other side would be the west side, there's 30 foot, is there any on the other lands already existing?

MR. LANDER: This is all wooded back here, I mean, they've got a chain link fence here.

MR. PETRO: Mark, this riprap part they are putting in here in the culvert, it's on lot number 2, looks like it's going over towards Lake Road, correct, going to be running towards Lake Road?

MR. EDSALL: No.

MR. PETRO: What's the pipe there?

MR. LANDER: On lot 2 says 200 linear feet. That's running from the private road.

MR. EDSALL: From the catch basin of the private road.

MR. PETRO: To the riprap?

MR. EDSALL: Yes.

MR. PETRO: Catch basin on the private road goes where?

MR. EDSALL: It all drains to the left on the plan.

MR. PETRO: Then goes down to the back by the stone wall?

MR. EDSALL: Yes, basically, the high point is up near lot 1 and it drains in the direction now.

MR. LANDER: Cause we want to protect the people that are there now and plus make sure that well this guy here has a right to develop the land, we're still

trying to protect you people and the 25 foot buffer plus the stone wall water runs downhill. That is the best I can tell you. But the buffer zone I think will help you out there instead of having all lawn area, I don't know who would want to cut all that lawn anyway.

MR. PETRO: To protect the people that are living there and protect the man's rights who owns the property so we're the ones that are in the middle of everything, as usual. But the bottom line ten percent coverage, what's the total land, what's the acreage?

MR. CLEARWATER: 5.2.

MR. PETRO: Ten percent more coverage on five acres, so your impervious area is ten percent more than what's there now.

MR. CLEARWATER: That's what the code says there can be no more than ten percent.

MR. PETRO: Probably less than that.

MR. CLEARWATER: Oh, yeah.

MR. LANDER: You don't have coverage on here, do you?

MR. CLEARWATER: No.

MR. PETRO: I think if some of the people here who saw the plan, they'd feel a little better that something was being done. This is not the plan that was at the public hearing, although the only thing that's been changed is the new condition of the drainage, we didn't change anything on the plan itself, or the applicant, not me. Okay, we can't go any further with the drainage, that's the way it is. We have done our best, we have had the engineer design something, we put it on the plan, we have highway approval on 10/9/98 and fire approval on 10/14/98. We took lead agency. We have had a public hearing. Entertain a motion to declare negative dec.

MR. LUCAS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board declare negative dec for the Deljo subdivision on Lake Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Is there any further comments from the engineer?

MR. EDSALL: Just the one suggestion that so that there's no confusion as to what is required for the private road off of Lake Road, I think we should have and even if it is not a complete profile, but at least a detail for the intersection of Deljo to Lake Road or make it clear that what they are calling on the second sheet as the private driveway detail is noted as also it's a private driveway and private road because the plan still shows 2.8 percent slope toward the town road and we need to have that short period of negative slope and then return to a positive.

MR. CLEARWATER: That's what I've done here, it slopes, the existing edge of pavement is at elevation 488 and it drops half a foot for five feet going back as per the town's code and then rises to at a point about 30 or 40 feet back, rises another foot and a half before it starts dropping. I can't put as Mr. Pullar pointed out, the grades are such along Lake Road that I can't put a culvert underneath the private road at the entrance because there just isn't enough slope along the road to accommodate, so I have to put a swale at the beginning of the road to pick that up.

MR. EDSALL: I'm not disputing what you're intending, just what Jim talked about but to make it clear because knowing contours, the first thing they are going to look at is the 2.8 percent slope toward the town road

and that will be the end of their interest in what was decided at this board meeting and at the public hearing or at the meeting with the highway superintendent, I think so I think a short detail, small detail just making it clear that you have to have a negative slope, make sure it gets built that way.

MR. BABCOCK: Or amended where it says private driveway detail say private driveway and private road detail.

MR. EDSALL: And have a section apply to both.

MR. BABCOCK: Same as the driveway.

MR. PETRO: Want a note on the plan?

MR. EDSALL: We've got a note that, contractors don't read notes, don't listen now, guys, I'm talking to you paving guys, they don't read notes. So I think it has to apply to the private road, otherwise, I can see it getting built and having a problem getting the road.

MR. LANDER: They should know they have to have a negative off a town road.

MR. EDSALL: Doesn't happen that way.

MR. PETRO: The culvert that's on Vidi Road, that's the collapsed one?

MR. ARGENIO: Or filled in.

MR. PETRO: It's a ten inch CMP that's backing up some of the water probably.

MR. ARGENIO: Unquestionably.

MR. PETRO: Is the owner here that's building his homes? Would you have a problem, I'm going to request that the planning board is going to request that you go there and repair that pipe so it's functional.

MR. AMONTE: Well, the only problem with that is I'm on somebody else's property, they are going to have to give me all releases, it's very important, otherwise, I

will supply the pipe and they can do it, that's the only problem.

MR. PETRO: It's amiable to fix the problem and help out the people who do live there, you know, because even if it is ten percent, it's ten percent more if that is the case, so whatever it is, it's not going to be less, may not be more, but not going to be less. So help them out a hundred percent.

MR. AMONTE: The only thing I'm concerned about is the liability, would it be okay if I supplied the pipe and they did the work?

MR. PETRO: Can I request him?

MR. LUCAS: We can ask him.

MR. PETRO: I'm asking him, I'm not requiring him.

MR. AMONTE: I would have to get a release from everybody that they wouldn't hold me liable if somebody in the wintertime goes off the road, I'm going to get blamed.

MR. PETRO: Do you have a private road association?

MR. CLEARWATER: There's an existing maintenance agreement on file since 1978.

MR. PETRO: If you had those people sign that, he can do some work, supply the pipe.

MR. AMONTE: I'll supply the pipe with no problem at all, you can put that on the drawing, but just doing work, I'm really concerned about the liability.

MR. PETRO: I understand that and I'm sure they would be, but maybe together, you can get that straightened out. You're willing to pay the pipe?

MR. AMONTE: No problem.

MR. PETRO: We've gone as far as we can. Roll call for final approval.

MR. KRIEGER: I wanted to say I have not yet gotten in final form a private road maintenance declaration and although I have talked to the attorney, I ask that final approval be subject to a final road maintenance declaration acceptable to me.

MR. PETRO: Any other comments?

MR. ARGENIO: The pipe issue's a dead issue?

MR. PETRO: Yes.

MR. ARGENIO: Okay.

MR. PETRO: Unless they want to work something out.

MR. ARGENIO: I agree.

MR. PETRO: Any other comments? Mark, anything else?

MR. EDSALL: No.

MR. PETRO: Motion to approve.

MR. ARGENIO: Make that motion for final approval.

MR. LANDER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board grant final approval to the Deljo subdivision on Lake Road, subject to the private road maintenance agreement being reviewed by the planning board attorney

MR. LANDER: Mr. Chairman, bond for the private road plus the buffer zone.

MR. PETRO: Drawn onto the map.

MR. LANDER: This way, it's on the map and if you people see that that's being cleared all the way to your stone wall, then you can come to the town and something can be done about it.

MR. PETRO: 25 foot you're asking?

MR. LANDER: I think 25, you can fit 25 foot all the way across those lots?

MR. PETRO: 25 feet you'd be glad to leave it alone?

MR. AMONTE: Yes.

MR. CLEAR: I think I can make 25.

MR. LANDER: Make 25.

MR. PETRO: Mr. Clearwater, you have to draw that on the plan, you have the private road maintenance agreement for Andy and also the bond estimate.

MR. CLEARWATER: Right.

ROLL CALL

MR. ARGENIO	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- ☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765
e-mail: mhepa@ptd.net



REVIEW NAME: DELJO ENTERPRISES SUBDIVISION
PROJECT LOCATION: LAKE ROAD (NEAR VIDI DRIVE)
SECTION 57 - BLOCK 1 - LOT 105
PROJECT NUMBER: 98-23
DATE: 14 OCTOBER 1998
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE
5.1 +/- ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY
REVIEWED AT THE 8 JULY 1998 AND 23 SEPTEMBER 1998
PLANNING BOARD MEETINGS.

1. As previously indicated, the project is located within the R-1 Zoning District of the Town. The proposed lots appear to comply with the minimum bulk requirements for the Zone.
2. Only one item remains outstanding with regard to the corrections required to the plan. The Town Highway Superintendent has required that a negative slope be provided off Lake Road. The Applicant has not provided a profile for the private road, but has rather attempted to address this issue with note 11 on the plans. The grading information on the plan still could be misleading; as such, I recommend that the Planning Board require a profile on the final plans submitted for stamp of approval.
3. On 2 October 1998 I visited the project site to review concerns raised regarding site drainage. My memorandum for this visit is attached hereto for reference.
4. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: DELJO ENTERPRISES SUBDIVISION
PROJECT LOCATION: LAKE ROAD (NEAR VIDI DRIVE)
SECTION 57 - BLOCK 1 - LOT 105
PROJECT NUMBER: 98-23
DATE: 14 OCTOBER 1998

Page Two

5. The Applicant should be directed to submit an Improvement Bond Estimate for the private road, as per Section A60-10(A)(8) of the Town street specifications.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJesh

A:.deljo.sh



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

5 October 1998

MEMORANDUM

TO: CHAIRMEN JAMES PETRO AND PLANNING BOARD MEMBERS

FROM: MARK J. EDSALL, P. E. PLANNING BOARD ENGINEER

SUBJECT: DEL JO ENTERPRISES, INC. SUBDIVISION
FIELD REVIEW OF AREA DRAINAGE CONDITIONS
PLANNING BOARD APPLICATION NO. 98-23

On the afternoon of 2 October 1998 the undersigned met with the applicant and their engineer at the subject site to review area drainage conditions pursuant to the concerns raised at the public hearing. We walked through the proposed subdivision property and noted that the contours are consistent with our observations of a gently sloping property downhill from east to west. It would appear that current drainage conditions are sheet flow and it is likely that the post - development flow will be minimally effected and maintain the same general pattern. We discussed details regarding the discharge of stormwater from the private road collection system and it was agreed that an outlet stone dissipation area be provided as far back from the property line as possible. A stone wall at the property line will further dissipate area discharge.

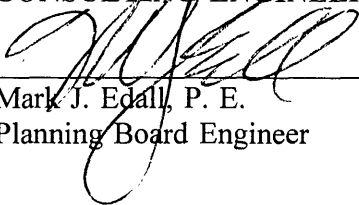
While in the area, I also drove down Vidi Drive and noted that the road contains eroded areas and wash outs, obviously from existing drainage conditions. This continued for a good portion of Vidi Drive. I also observed a low lying wet area in the center area of Vidi Drive, which would appear to be an existing stormwater collection area.

5 October 1998

Based on my observations and the application information submitted to date, I see no conditions or information which would lead me to believe the project will have any significant impact from a drainage standpoint.

Respectfully submitted,

**McGOEY, HAUSER, and EDSALL
CONSULTING ENGINEERS, P. C.**



Mark J. Edall, P. E.
Planning Board Engineer

MJEpr

a:deljo.pr

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/11/99

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION
APPLICANT: DELJO ENTERPRISES, INC.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/05/99	PLANS STAMED	APPROVED
02/04/99	ALL CONDITIONS MET	APPROVED
10/14/98	P.B. APPEARANCE	ND:APPROVE CONDIT.
09/23/98	P.B. APPEARANCE - PUB. HEAR . MARK TO CHECK DRAINAGE CALCULATIONS FOR RUNOFF	SCHEDULE SITE VISIT
07/08/98	P.B. APPEARANCE	LA:WVE PH RETURN
07/01/98	WORK SESSION APPEARANCE	SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/11/99

PAGE: 1

LISTING OF PLANNING BOARD **SEQRA** ACTIONS

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION
APPLICANT: DELJO ENTERPRISES, INC.

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	07/02/98	EAF SUBMITTED	07/02/98	WITH APPLICATION
ORIG	07/02/98	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	07/02/98	LEAD AGENCY DECLARED	07/08/98	TOOK LEAD AGENCY
ORIG	07/02/98	DECLARATION (POS/NEG)	10/14/98	DECL. NEG. DEC
ORIG	07/02/98	PUBLIC HEARING	09/23/98	PUB. HEARING HELD
ORIG	07/02/98	AGRICULTURAL NOTICES	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/12/99

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION
APPLICANT: DELJO ENTERPRISES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/02/98	REC. CK. #11033	PAID		600.00	
07/08/98	P.B. ATTY. FEE	CHG	35.00		
07/08/98	P.B. MINUTES	CHG	27.00		
09/23/98	P.B. ATTY. FEE	CHG	35.00		
09/23/98	P.B. MINUTES	CHG	90.00		
10/14/98	P.B. ATTY. FEE	CHG	35.00		
10/14/98	P.B. MINUTES	CHG	67.50		
01/05/99	P.B. ENGINEER FEE	CHG	528.50		
01/12/99	REC. CK. #11675	PAID		218.00	
		TOTAL:	818.00	818.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/12/99

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION
APPLICANT: DELJO ENTERPRISES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/05/99	2%OF 31,638.00 INSPEC. FEE	CHG	632.76		
01/12/99	REC.CK. #11676	PAID		632.76	
		TOTAL:	632.76	632.76	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/12/99

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION
APPLICANT: DELJO ENTERPRISES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/06/98	SUB. APPROVAL FEE	CHG	270.00		
01/12/99	REC. CK. #11673	PAID		270.00	
			-----	-----	-----
		TOTAL:	270.00	270.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/12/99

PAGE: 1

LISTING OF PLANNING BOARD FEES
RECREATION

FOR PROJECT NUMBER: 98-23

NAME: DELJO ENTERPRISES, INC. - SUBDIVISION

APPLICANT: DELJO ENTERPRISES, INC.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
01/06/98	3 LOT REC. FEE	CHG	1500.00		
01/12/99	REC. CK. #11674	PAID		1500.00	
			-----	-----	-----
		TOTAL:	1500.00	1500.00	0.00

SUBDIVISION FEES - TOWN OF NEW WINDSOR

MINOR SUBDIVISION FEES:

APPLICATION FEE.....\$ 50.00

ESCROW:

RESIDENTIAL:

___ LOTS @ 150.00 (FIRST 4 LOTS).....\$
___ LOTS @ 75.00 (ANY OVER 4 LOTS).....\$

COMMERCIAL:

___ LOTS @ 400.00 (FIRST 4 LOTS).....\$
___ LOTS @ 200.00 (ANY OVER 4 LOTS).....\$

TOTAL ESCROW DUE...\$

APPROVAL FEES MINOR SUBDIVISION:

PRE-PRELIMINARY PLAT APPROVAL.....\$ 50.00
PRELIMINARY PLAT APPROVAL\$ 100.00
FINAL PLAT APPROVAL (\$100.00 + \$5.00/LOT).....\$ 120.00
FINAL PLAT SECTION FEE.....\$ 100.00
BULK LAND TRANSFER...(\$100.00).....\$

TOTAL SUBDIVISION APPROVAL FEES.....\$ 270.00

RECREATION FEES:

3 LOTS @ \$500.00 PER LOT\$ 1,500.00
~~2000.00~~

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW: PA 600.00

PLANNING BOARD ENGINEER FEES.....\$
PLANNING BOARD ATTORNEY FEES.....\$
MINUTES OF MEETINGS.....\$
OTHER.....\$ 818.00
TOTAL

PERFORMANCE BOND AMOUNT.....\$

4% OF ABOVE AMOUNT.....\$

ESTIMATE OF PRIVATE IMPROVEMENTS: \$ 31,638.00

2% OF APPROVED COST ESTIMATE:.....\$ 632.76
(INSPECTION FEE)


AZZOLINA, FEURY & RAIMONDI Engineering Group
Professional Engineers and Land Surveyors

110 Stage Road Monroe, NY 10950 • (914) 782-8681 • Fax (914) 782-4212
 30 Madison Avenue, Paramus, NJ 07652 • (201) 845-8500 • Fax (201) 845-3825
 120 Woodland Avenue, Westwood, NJ 07675 • (201) 686-0534 • Fax (201) 686-5248

BOND ESTIMATE
AMANTE/LAKE ROAD
NOVEMBER 1998
REVISED: DECEMBER 10, 1998
PRIVATE ROAD & DRAINAGE IMPROVEMENTS
OUR FILE # PY9704169

ITEM	ITEM	UNIT	QUANT.	UNIT PRICE	TOTAL
1.	CLEARING & GRUBBING	L.S.	1	\$3,000.00	\$3,000.00
2.	CATCH BASINS	EACH	2	\$1,200.00	\$2,400.00
3.	18" CPEP	L.F.	247	\$25.00	\$ 6,175.00
4.	SUB-BASE - N.Y.S. ITEM #4, 12" DEPTH	C.Y.	263	\$12.00	\$3,156.00
5.	TAR & CHIP PAVEMENT, DOUBLE SURFACE TREATMENT (EXCLUSIVE OF SWALES)	S.Y.	788	\$ 9.00	\$7,092.00
6.	THREE FOOT (3') WIDE PAVED SWALES WITH SUB-BASE	L.F.	565	\$ 11.00	\$ 6,215.00
7.	RIP-RAP	S.F.	450	\$ 8.00	\$ 3,600.00
TOTAL					\$31,638.00

N:\wp91\Projects\Cont Estimate (12-21-98)

Engineering Technology for the 21st Century

TOTAL P.02



AZZOLINA, FEURY & RAIMONDI Engineering Group
Professional Engineers and Land Surveyors

110 Stage Road, Monroe, NY 10950 • (914) 782-8681 • Fax (914) 782-4212
30 Madison Avenue, Paramus, NJ 07652 • (201) 845-8500 • Fax (201) 845-3825
120 Woodland Avenue, Westwood, NJ 07675 • (201) 666-0534 • Fax (201) 666-5248

BOND ESTIMATE

AMANTE/LAKE ROAD

NOVEMBER 1998
REVISED: DECEMBER 10, 1998

PRIVATE ROAD & DRAINAGE IMPROVEMENTS

OUR FILE # PY9704169

ITEM #	ITEM	UNIT	QUANT.	UNIT PRICE	TOTAL
1.	CLEARING & GRUBBING	L.S.	1	\$3,000.00	\$3,000.00
2.	CATCH BASINS	EACH	2	\$1,200.00	\$2,400.00
3.	18" CPEP	L.F.	247	\$25.00	\$ 6,175.00
4.	SUB-BASE - N.Y.S. ITEM #4, 12" DEPTH	C.Y.	87	\$12.00	\$1,044.00
5.	TAR & CHIP PAVEMENT, DOUBLE SURFACE TREATMENT (EXCLUSIVE OF SWALES)	S.Y.	262	\$ 9.00	\$2,358.00
6.	THREE FOOT (3') WIDE PAVED SWALES WITH SUB-BASE	L.F.	565	\$ 11.00	\$ 6,215.00
7.	RIP-RAP	S.F.	450	\$ 8.00	\$ 3,600.00
		TOTAL			\$24,792.00

N:\wp51\Projects\Cost Estimate (11-30-98)



ARIZONA, FEURY & RAIMONDI Engineering Group

Professional Engineers and Land Surveyors

110 Stage Road, Monroe, NY 10950 • (914) 782-8681 • Fax (914) 782-4212
30 Madison Avenue, Paramus, NJ 07652 • (201) 845-8500 • Fax (201) 845-3825
120 Woodland Avenue, Westwood, NJ 07675 • (201) 666-0534 • Fax (201) 666-5248

BOND ESTIMATE

AMANTE/LAKE ROAD

NOVEMBER 1998

PRIVATE ROAD & DRAINAGE IMPROVEMENTS

OUR FILE # PY9704169

ITEM #	ITEM	UNIT	QUANT.	UNIT PRICE	TOTAL
1.	CLEARING & GRUBBING	L.S.	1	\$3,000.00	\$3,000.00
2.	CATCH BASINS	EACH	2	\$1,200.00	\$2,400.00
3.	18" CPEP	L.F.	247	\$25.00	\$ 6,175.00
4.	TAR & CHIP PAVEMENT (EXCLUSIVE OF SWALES)	S.Y.	262	\$ 9.00	\$2,358.00
5.	THREE FOOT (3') WIDE PAVED SWALES	L.F.	565	\$ 10 .00	\$ 5,650.00
6.	RIP-RAP	S.F.	450	\$ 8.00	\$ 3,600.00
		TOTAL			\$23,183.00

N:\wp51\Projects\Cost Estimate (11-30-98)

AS OF: 01/05/99

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 98- 23

FOR WORK DONE PRIOR TO: 01/05/99

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
.													
98-23	130433	03/18/98	TIME	MJE	WS	AMONTE SUB	75.00	0.40	30.00				
98-23	134257	05/06/98	TIME	MJE	WS	AMONTE SUB	75.00	0.40	30.00				
98-23	139245	07/01/98	TIME	MJE	WS	AMONTE	75.00	0.40	30.00				
98-23	139774	07/07/98	TIME	SAS	CL	DELFO ENT	28.00	0.50	14.00				
98-23	141219	07/07/98	TIME	MJE	MC	DELJO	75.00	0.50	37.50				
98-23	143535	08/19/98	TIME	MJE	WS	DELJO	75.00	0.40	30.00				
									171.50				
98-23	142009	08/10/98				BILL 98-898 08/10/98					-156.50		
											-156.50		
98-23	146690	09/21/98	TIME	MJE	MC	DELJO	75.00	0.40	30.00				
98-23	146146	09/22/98	TIME	MCK	CL	DELJO RVW COMMENTS	28.00	0.50	14.00				
98-23	146696	09/23/98	TIME	MJE	MC	DELJO	75.00	0.10	7.50				
98-23	147563	09/29/98	TIME	MJE	MC	DELJO W/TORRO	75.00	0.30	22.50				
98-23	148247	10/02/98	TIME	MJE	FM	DELJO @ SITE	75.00	1.00	75.00				
98-23	147862	10/05/98	TIME	PSR	CL	MEMO DELJO	28.00	0.50	14.00				
98-23	148939	10/07/98	TIME	MJE	WS	DELJO	75.00	0.40	30.00				
98-23	149309	10/12/98	TIME	MJE	MC	DELJO SUBD	75.00	0.50	37.50				
98-23	149077	10/13/98	TIME	SAS	CL	DEL-JO/RVW COMM	28.00	0.50	14.00				
98-23	149286	10/14/98	TIME	MJE	MM	DeLjo COND Sub APPL	75.00	0.10	7.50				
98-23	149321	10/14/98	TIME	MJE	MC	DELJO SUBD	75.00	0.10	7.50				
									259.50				
98-23	151757	11/18/98				BILL 98-1162					-274.50		
											-274.50		
98-23	152995	12/01/98	TIME	MJE	MC	BONDING WITH AMONTE	75.00	0.30	22.50				
98-23	152997	12/09/98	TIME	MJE	MC	REV PLAN & COST EST	75.00	0.50	37.50				
98-23	154360	12/09/98	TIME	MJE	MC	DELJO	75.00	0.50	37.50				
									97.50				
98-23	153817	12/16/98				BILL 98-1260					-60.00		
											-60.00		
TASK TOTAL									528.50	0.00	-491.00	37.50	
GRAND TOTAL									528.50	0.00	-491.00	37.50	

RESULTS C P.B. MEETING OF :

10-14-98

PROJECT: *Delip Sub.*

P.B.# *98-23*

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y ___ N ___

M) *11* S) *A* VOTE: A *7* N *1*

2. TAKE LEAD AGENCY: Y ___ N ___

CARRIED: YES ☒ NO ___

M) ___ S) ___ VOTE: A ___ N ___

CARRIED: YES ___ NO ___

WAIVE PUBLIC HEARING: M) ___ S) ___ VOTE: A ___ N ___ WAIVED: Y ___ N ___

SCHEDULE P.H. Y ___ N ___

SEND TO O.C. PLANNING: Y ___

SEND TO DEPT. OF TRANSPORTATION: Y ___

REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___

RETURN TO WORK SHOP: YES ___ NO ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: _____

M) *A* S) *11* VOTE: A *7* N *1* APPROVED CONDITIONALLY: *10-14-98*

NEED NEW PLANS: Y ___ N ___

DISCUSSION/APPROVAL CONDITIONS:

<i>Need Private road bond.</i>
<i>Add 35' buffer zone on Map.</i>
<i>Need Private Road Maintenance Declaration for Body</i>
<i>repair culvert pipe.</i>
<i>Bond for private Rd.</i>

Public Hearing
RESULTS OF P.B. MEETING OF: September 23, 1998

PROJECT: Delfo Subdivision **P.B.#** 98-23

LEAD AGENCY:

1. **AUTHORIZE COORD LETTER:** Y__ N__
2. **TAKE LEAD AGENCY:** Y__ N__

NEGATIVE DEC:

M)__ S)__ VOTE: A__ N__
CARRIED: YES__ NO__

M)__ S)__ VOTE: A__ N__
CARRIED: YES__ NO__

WAIVE PUBLIC HEARING: M)__ S)__ VOTE: A__ N__ **WAIVED:** Y__ N__

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)__ S)__ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

M)__ S)__ VOTE: A__ N__ **APPROVED:** _____

M)__ S)__ VOTE: A__ N__ **APPROVED CONDITIONALLY:** _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<i>Mark to check calculations for runoff & drainage</i>
<i>Schedule a site visit</i>

Public Hearing - 9-23-98 P.B.# 98.23

August Jonga - Spoke re: Sacs original zoning - runoff from
septic

~~August~~ M. Pleasen - Spoke re: Wetlands : ponds : runoff affecting
her leach pits

Karl Jonga: Spoke re: ~~at the~~ Wildlife

-----X
In the Matter of Application for Site Plan/Subdivision of
Delpo Enterprises, Inc. - 57,1,105 P.B.# 98-23,
Applicant.

-----X

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

That I am not a party to the action, am over 18 years of age
and reside at 350 Bethlehem Road, New Windsor, NY 12553.

On September 9, 1998, I compared the 15 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary for
the Planning Board

9th day of Sept, 19 98

Maureen Hataling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 2000

PLANNING BOARD : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for ~~Site Plan~~/Subdivision of

Delfo Enterprises, Inc. (57-1-105) P.B. # 98-23

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12552.

On September 9, 1998, I compared the 2 addressed envelopes containing the attached Agricultural District Notice with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary for
the Planning Board

Sworn to before me this

9th day of Sept, 1998

Mary Ann Hotaling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 2000



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 17, 1998

Raimondi Associates PC
C/O James C. Clearwater, LS
110 Stage Rd.
Monroe, NY 10950

RE: 57-1-105

Dear Mr. Clearwater:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property. Parcels with an asterisk (*) are currently within the Agricultural District and have the Agricultural Exemption.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook
Sole Assessor

/cad
Attachments

CC: Myra Mason, PB

57-1-4

Francis Coleman
431 Lake Rd.
New Windsor, NY 12553 ✓
* In Agricultural District

George J. Meyers, Supervisor
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553 ✓

57-1-97

Arnold & Gertrude Kuenneke
7 Vidi Dr.
Salisbury Mills, NY 12577 ✓

Dorothy H. Hansen, Town Clerk
Town of New Windsor
555 Union Ave.
New Windsor, NY 12553 ✓

57-1-98

Louis & Doretta Lupinacci
23 Pine Hill Dr.
Upper Saddle River, NJ 07458 ✓

Andrew Krieger, Esq.
219 Quassaick Ave.
New Windsor, NY 12553 ✓

57-1-102

William & Rose Marie Bracken
256-27 Grand Central Parkway
Little Neck, NY 11362 ✓

James R. Petro, Chairman
Planning Board
555 Union Ave.
New Windsor, NY 12553 ✓

57-1-103

Christina & Blair Kobelin
18 Bryant St.
Paramus, NJ 07652 ✓

Mark J. Edsall, P.E.
McGoey & Hauser
Consulting Engineers, P.C.
45 Quassaick Ave.
New Windsor, NY 12553 ✓

57-1-104 ✓

August Jonza & Gale Taylor-Jonza
22 Vidi Dr.
Salisbury Mills, NY 12577

54-1-48.22

Francis Coleman
431 Lake Rd.
New Windsor, NY 12553 ✓
* In Agricultural District

57-1-106 ✓

Warren & Lauren Donohue
RD 1 Box-68
Salisbury Mills, NY 12577

57-1-107 ✓

Peter & Sandra Brenner
337 Lake Rd.
Salisbury Mills, NY 12577

57-1-108 ✓

Robert & Donna Foley
21 Vivian Ln.
Chester, NY 10918

57-1-109

Andrew & Angela Palko ✓
Sleepy Hollow Trailer Park
Rt. 17K Box 324
Walden, NY 12586

16

15 Envelopes

2 Ag notices

(57-1-4
54-1-48.22)
sent in same
envelope.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on SEPTEMBER 23 1998 at 1:30 P.M. on the approval of the proposed 4 LOT SUBDIVISION (Subdivision of Lands)* (Site Plan)* OF DELJO ENTERPRISES, INC. located LAKE ROAD; TAX MAP SECTION 57 BLOCK 1 LOT 105 Map of the (Subdivision of Lands) (~~Site Plan~~)* is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y. prior to the Public Hearing.

Dated: 8/19/98

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.

Chairman

NOTES TO APPLICANT:

- 1). *Select Applicable Item.
- 2). A completed copy of this Notice must be approved prior to publication in The Sentinel.
- 3). The cost and responsibility for publication of this Notice is fully the Applicants.

Looks O.K. Jim.

EW

RESULTS C.P.B. MEETING OF :

PROJECT:

P.B.#

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y N

M) _____ S) _____ VOTE: A _____ N _____

2. TAKE LEAD AGENCY: Y. N

CARRIED: YES NO

M) S) VOTE: A N

CARRIED: YES NO

WAIVE PUBLIC HEARING: M) S) VOTE: A N WAIVED: Y N

SCHEDULE P.H. Y: N

SEND TO O.C. PLANNING: Y

SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPROVED CONDITIONALLY:

NEED NEW PLANS: Y N

DISCUSSION/APPROVAL CONDITIONS:

[illegible]

DELJO ENTERPRISES SUBDIVISION (98-23) LAKE ROAD

Mr. James Clearwater appeared before the board for this proposal.

MR. PETRO: This application proposes subdivision of the 5.1 acre parcel into 4 single family residential lots. Is there any exiting homes already?

MR. CLEARWATER: On this parcel, no.

MR. PETRO: So, it would be all four new homes, right?

MR. CLEARWATER: That is correct.

MR. PETRO: Okay.

MR. CLEARWATER: Good evening, my name is James Clearwater, I'm a land surveyor with Raimondi and Associates. I represent Deljo Enterprises and John Amante (phonetic) and his son, John Amante. This property or this application intends to divide a 5.2 acre parcel into four new single family residential lots, the parent parcel was one lot, one of the lots of the 1978 subdivision entitled Gino Nepola. That parcel, parent parcel had access via a 30 foot wide private road, Vidi Lane, which comes off of public road Lake Road. This application proposes that one of the new lots would access Vidi Lane and the other three new lots would have access via a new 50 foot wide private road off of Lake Road.

MR. LANDER: How many houses are on Vidi Lane?

MR. CLEARWATER: I think it's eight.

MR. PETRO: That is a private road also?

MR. BABCOCK: Yes.

MR. PETRO: Why are we adding another to a private road?

MR. EDSALL: First question we asked them when they came into the workshop was you can't create another lot

on that private road unless that lot already exists and already has rights to use it and they have gone back into the records and the deeds and this lot has the right to use that private road. So what they have done is they have kept one use which is really what they have deed rights to so although it may exceed the allowable for a new subdivision, it's a pre-existing right.

MR. PETRO: Let me clarify this, this lot being the 5 acre lot, the large lot has right of Vidi Lane for one so what they are doing is using the one for lot number 4 and the rest are going to go off there.

MR. ARGENIO: Instead of having one large lot accessing Vidi, you have a small lot but it's still one lot?

MR. PETRO: Tricky.

MR. CLEARWATER: That is correct. Actually, there's only 7 including this lot. There was 13 lots of that original subdivision.

MR. PETRO: The property line for lot 1 and 2 are going right down the road.

MR. CLEARWATER: That is correct.

MR. PETRO: You're doing that for what reason?

MR. CLEARWATER: So each lot would have a piece of the pie, so to speak, of the private road.

MR. PETRO: So lot number 3 would have frontage on Lake Road?

MR. CLEARWATER: That's correct.

MR. PETRO: What is it, 25 feet, I can't tell?

MR. CLEARWATER: Yeah, that's right.

MR. PETRO: So, they own that strip all the way up?

MR. CLEARWATER: That's correct.

MR. LANDER: Those three lots have to maintain that maintenance agreement.

MR. PETRO: All own a part of that drive?

MR. CLEARWATER: That's correct, we marked in the field the location of that new road, the entrance road if Mr. Edsall or the highway department wants to take a look at that.

MR. LANDER: How is the sight distance? I'm not too familiar with this.

MR. CLEARWATER: We measured the sight distance to the north is 420 feet and to the south is 870.

MR. LANDER: Okay, that's sufficient.

MR. CLEARWATER: It's 40 mile an hour posted road.

MR. PETRO: Let's talk about this I turn around a little bit, is that acceptable. I do have acceptable from the highway department on 7/7/98 and we have fire approval on 7/7/98.

MR. EDSALL: The T type turnaround, the private road regulations require that a cul-de-sac type turnaround be provided unless an alternate layout is accepted by the board. Previously, the board had considered the turnarounds for subdivisions that had the small number of lots, i.e., they didn't have the full 6 and there was no potential in the future of it being brought up to a town road standard for this reason why it would be further subdivided and made a town road, it's pretty clear from looking at this that it is not going to extend, it's doubtful that it will ever be upgraded to a town road just because of the cost and it only serves three lots so I thought that they had a reasonable chance of getting your approval.

MR. PETRO: Only people using it would be someone by mistake.

MR. EDSALL: We checked with Bob in the workshop and

the dimensions of it are adequate for fire apparatus.

MR. EDSALL: We do have approval from the fire department.

MR. ARGENIO: Mark, what's the radius required on a cul-de-sac on a private road?

MR. CLEARWATER: 60, I think.

MR. ARGENIO: I think it's 60, 120 diameter.

MR. CLEARWATER: That is correct.

MR. BABCOCK: I think that is a town road. Is it also private?

MR. CLEARWATER: I believe so.

MR. KRIEGER: With respect to the private road what should be done in my opinion they should not only have a maintenance agreement but each, the deed to each one of the properties should indicate an easement giving that lot a right to use the entire road. It's not sufficient to chop up the road and give each one a little piece because if later on they don't agree then it gives anyone basically any one owner the power over the use of the road which is not acceptable.

MR. PETRO: Lot number one could put planting right down the center of the road.

MR. KRIEGER: So a maintenance agreement and easements and things in all the deeds would ensure that the subsequent owners of these lots had the right to use their own in perpetuity.

MR. ARGENIO: Subject to your agreement is subject to your review, is it not?

MR. KRIEGER: Yes, I would hope so.

MR. EDSALL: There is a lot of notes about the private road specs, you should really have those on the plan if you can take a copy of his comments.

MR. STENT: Motion we declare lead agency.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Deljo Enterprises subdivision.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. CLEARWATER: I'd like to ask for a waiver on the cul-de-sac requirement.

MR. LANDER: We had approval from the highway department.

MR. ARGENIO: There's no issue.

MR. CLEARWATER: Thank you.

MR. LANDER: We need a motion for that?

MR. PETRO: No. The public hearing, let's discuss that a little bit. This is permitted use in the zone?

MR. BABCOCK: Yes.

MR. LUCAS: The two on the front there, roads come out on Lake Road?

MR. CLEARWATER: Yes, that's correct.

MR. LANDER: You're better off having a public hearing and be done with it. I'm only one member, but I think we should have one.

MR. PETRO: I'm going to agree with Ron because it is four lots and if you have the public hearing, you're

good forever. If you don't have it, it will haunt you forever. So you have it and get it done and that is it. I know it sounds like a headache now but I'm saving you a headache believe me down the road.

MR. STENT: I don't see any problem with the plans.

MR. PETRO: No, I don't.

MR. STENT: Make a motion we set up a public hearing on the Deljo Enterprises subdivision.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board set up a public hearing for the Deljo Enterprises subdivision on Lake Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: That will be taken care of through Myra's office, get you all set up, notices out and when you're done, you'll be on the agenda again whenever you're ready for the public hearing, just address all Mark's comments. Mark, all the separations were fine between the well and septic and all the house lots were fine as far as setbacks?

MR. EDSALL: I'm going to, well, the house setbacks are fine, I'll doublecheck all the rest of the information now that you have reviewed it and accepted the layout in concept.

MR. PETRO: Very good, thank you.

MR. CLEARWATER: Thank you.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- ☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765
e-mail: mhepa@ptd.net



REVIEW NAME: DELJO ENTERPRISES SUBDIVISION
PROJECT LOCATION: LAKE ROAD (NEAR VIDI LANE)
SECTION 57 - BLOCK 1 - LOT 105
PROJECT NUMBER: 98-23
DATE: 8 JULY 1998
DESCRIPTION: THE APPLICATION PROPOSES THE SUBDIVISION OF THE
5.1 +/- ACRE PARCEL INTO FOUR (4) SINGLE-FAMILY
RESIDENTIAL LOTS. THE PLAN WAS REVIEWED ON A
CONCEPT BASIS ONLY.

1. The project is located within the R-1 Zoning District of the Town. The "required" bulk information shown on the plan appears correct, with the exception of the maximum building height which should be 35'. Each of the lots appears to comply with the minimum bulk requirements for the Zone.
2. The project proposes a private road. Lots 1, 2 and 3 will utilize the proposed private road, with Lot 4 having access (and reported rights) to use the existing private road, Vidi Lane.

The Applicant has depicted a "T" type turnaround in lieu of the standard cul-de-sac for the private road. The Planning Board should accept this alternate layout.

3. I have performed my initial review of this subdivision submission, and have the following comments:
 - a. The Town Highway Superintendent should be consulted as to the need for a culvert at the proposed private road intersection with Lake Road.
 - b. The surface of the private road should indicate an application rate of 0.5 gallons /sy per application.

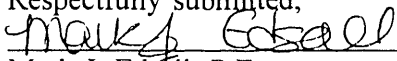
**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: DELJO ENTERPRISES SUBDIVISION
PROJECT LOCATION: LAKE ROAD (NEAR VIDI LANE)
SECTION 57 - BLOCK 1 - LOT 105
PROJECT NUMBER: 98-23
DATE: 8 JULY 1998

Page Two

- c. The subbase for the private roadway should have a minimum depth of 12".
 - d. The detail for the private road should include a 3' swale (typical) as a well as a maximum 1:2 side slope.
 - e. The general notes for the sanitary disposal system make references to the Orange County Department of Health. If the Planning Board decides to perform a local review of this application, these references should be deleted.
 - f. The detail sheet includes an underdrain section, although one is not identified on any of the lots. It would appear appropriate, based on the deep soil tests, that the underdrain be provided for Lot 1 and Lot 3, at minimum.
 - g. The lineal foot of disposal field, as indicated in the septic system design table should be verified.
 - h. For the preliminary plan, a name for the proposed private road should be included.
- 4. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
 - 5. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
 - 6. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edgall, P.E.

Planning Board Engineer

MJesh A:deljo.sh



RaimondiAssociates, PC/PA

21st Century Engineering Technologies

Municipal-Civil-Land Use-Surveying-Environmental

Louis A. Raimondi, PE, LS, PP
Ronald Rothenberg, PE

Elmo J. Bodrato, PLS, PP
Robert M. Reitsema, PLS, PP
Donald G. Reade, PLS, PP
James C. Clearwater, PLS
Lawrence E. Torro, PE
Joseph A. Zaniello, PE

July 2, 1998

Town of New Windsor
Planning Board
555 Union Avenue
New Windsor, New York 12550

Attention: Mr. James R. Petro, Jr., Chairman

RE: Deljo Enterprises
Our Project #PY9704169

Dear Mr. Petro:

Enclosed is an Application form, Agricultural Data Statement, Agricultural District Notice, Applicant Proxy Statement, Full Environmental Assessment Form, ten (10) sets of plans, and two checks payable to the Town of New Windsor, all in reference to the Deljo application to the New Windsor Planning Board. The owner, Deljo Enterprises, Inc., is proposing to divide a five acre parcel into four (4) one acre single family residential building lots with access to Lake Road via a new 50' wide private roadway. One of the four (4) lots will have access via Vidi Lane, an existing private road. The existing private road maintenance agreement filed as part of the Nepola Subdivision is included also in the submitted material for the Board and the Boards Attorneys review.

The five acre parent parcel is lot #9 of a previous subdivision entitled, "Gino Nepola", approved by the Town of New Windsor Planning Board in September 1978, and filed in the Orange County Clerks Office on October 2, 1978. The Nepola Subdivision restricted further development of any lot for a period of 20 years subsequent to the filing of the map. The 20 year restriction lapses in October 1998.

Please place this application on the July 8, 1998 Planning Board Agenda for discussion. If you have any questions or need additional information, please do not hesitate to contact the undersigned.

Yours truly,

RAIMONDI ENGINEERING, P.C.
James C. Clearwater, P.L.S.
For The Firm

JCC:nd

cc: John Amante
C. W. Bodrato (7/2/98)

110 Stage Road
Monroe, NY 10950
(914) 782-8681/782-4212 Fax

☐ New Jersey

120 Woodland Avenue
Westwood, NJ 07675
(201) 666-0534/666-5248 Fax

1998

90 - 23



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 23

DATE PLAN RECEIVED: RECEIVED OCT - 9 1998

RECEIVED

OCT 09 1998

N.W. HIGHWAY DEPT.

The maps and plans for the Site Approval _____
Subdivision ☒ _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ☒ *as noted.*
disapproved _____.

If disapproved, please list reason _____

*Delje have to slope away from Lake Road. follow detail
for private drive on sheet 2 of 2*

William Sullivan *10/9/98*
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE MEMORANDUM

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: October 14, 1998

SUBJECT: Deljo Enterprises, Inc.

Planning Board Reference Number: PB-98-23

Dated: 9 October 1998

Fire Prevention Reference Number: FPS-98-063

A review of the above referenced subdivision plan was conducted on 9 October 1998.

This subdivision plan is acceptable.

Plans Dated: 9 October 1998 Revision 3

A handwritten signature in black ink, appearing to read "Robert F. Rodgers".

Robert F. Rodgers; C.C.A.
Fire Inspector

RFR/dh



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 23

DATE PLAN RECEIVED: RECEIVED OCT - 9 1998

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Delje Enterprises Inc. has been

reviewed by me and is approved ☒ _____,

disapproved ☐ _____.

If ~~disapproved~~, please list reason _____

No town water in this area.

HIGHWAY SUPERINTENDENT _____ DATE _____

John D. D. 10-13-98
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

INTER-OFFICE MEMORANDUM

TO: New Windsor Planning Board

FROM: Town Fire Inspector

DATE: September 30, 1998

SUBJECT: Deljo Enterprises Inc. Subdivision

Planning Board Reference Number: PB-98-23

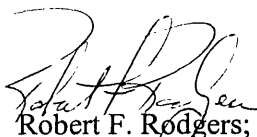
Dated: 28 September 1998

Fire Prevention Reference Number: FPS-98-058

A review of the above reference subdivision plan was conducted on 29 September 1998.

This subdivision plan is acceptable.

Plans Dated: 1 July 1998.


Robert F. Rodgers; C.C.A.
Fire Inspector

RFR/dh



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 23

DATE PLAN RECEIVED: RECEIVED SEP 2 8 1998 Rev 1

RECEIVED

SEP 29 1998

N.W. HIGHWAY DEPT.

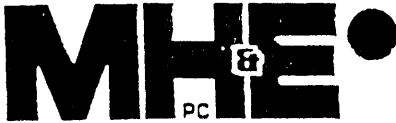
The maps and plans for the Site Approval _____
Subdivision ☒ _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ☒ _____,
disapproved _____.

If disapproved, please list reason _____

[Signature] 9/30/98
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Millford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF NEW WINDSOR P/B # 98-23
WORK SESSION DATE: 7 OCT 98 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: new plan
PROJECT NAME: Deljo
PROJECT STATUS: NEW _____ OLD X
REPRESENTATIVE PRESENT: Jim Clearwater / John Amato
MUNIC. REPS PRESENT: BLDG INSP. _____
FIRE INSP. X
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) Jim Lellan

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- disc drainage observations for area
- ditch - 1/2 slope for P/R off Lake
- no culvert for Jim - swale across

4MJJE91 pbwsform



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 98-23
WORK SESSION DATE: 19 AUG 98 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: Not now REQUIRED: not resub plan
PROJECT NAME: Deljo Sub
PROJECT STATUS: NEW _____ OLD X
REPRESENTATIVE PRESENT: Ji Clearwater
MUNIC. REPS PRESENT: BLDG INSP. _____
FIRE INSP. Rich
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

add "double"
name to 1/2
9/14 will work w/ Myra re mailings
23
need note re provide culvert if req'd by Hwy Dept



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

- ☐ Main Office
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ Branch Office
400 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF NEW WINDSOR P/B # 98-23

WORK SESSION DATE: 1 JULY '98 APPLICANT RESUB.
REQUIRED: Full App

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: (Amonte) DELJO ENT

PROJECT STATUS: NEW OLD

REPRESENTATIVE PRESENT: John Amonte / Jim Clearwater

MUNIC. REPS PRESENT: BLDG INSP.
FIRE INSP. X
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- letter w/ attachments re right to use Vardian. (VISITOR)
- drainage @ T
- add P/R detail.
- expand note re P/R maint agent
- road name
- add soils info. etc.
- Poss agenda

Poss
(A)

4MJE91 pbwsform



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T. WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 23

DATE PLAN RECEIVED: RECEIVED JUL 2 1998

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Delgo Enterprises _____ has been

reviewed by me and is approved ✓

~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____

There is no town water in
this area + feed by wells

HIGHWAY SUPERINTENDENT _____ DATE _____

John D. D. 7-7-98
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 98 - 23

DATE PLAN RECEIVED: RECEIVED JUL 2 1998

RECEIVED

JUL 06 1998

N.W. HIGHWAY DEPT

The maps and plans for the Site Approval _____
Subdivision ✓ _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓ _____,
disapproved _____.

If disapproved, please list reason _____

W. James Sullivan 7/7/98
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

INTER-OFFICE MEMORANDUM

TO: New Windsor Planning Board

FROM: Town Fire Inspector

DATE: July 7, 1998

SUBJECT: Deljo Enterprises, Inc. Subdivision

Planning Board Reference Number: PB-98-23

Dated: 2 July 1998

Fire Prevention Reference Number: FPS-98-035

A review of the above referenced subject subdivision plan was conducted on 6 July 1998.

This subdivision plan is acceptable.

Plans Dated: 1 July 1998.

A handwritten signature in black ink, appearing to read 'Robert F. Rodgers', is written over the typed name.

Robert F. Rodgers; C.C.A.
Fire Inspector



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4615
Fax: (914) 563-4693

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision ☒ Lot Line Change ☐ Site Plan ☐ Special Permit ☐

Tax Map Designation: Sec. 57 Block 1 Lot 105

1. Name of Project SUBDIVISION FOR DELJO ENTERPRISES, INC.

2. Owner of Record DELJO ENTERPRISES, INC Phone 496-5320

Address: P.O. Box 361, CHESTER, N.Y. 10918
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant SAME Phone

Address:
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan RAIMONDI ENGINEERING, PC Phone 782-8681

Address: 110 STAGE ROAD, MONROE, N.Y. 10950
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney ALVIN GOLDSTEIN Phone 469-8630

Address 13 HIGH STREET, PO Box 591 CHESTER, NY 10918-0591
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

JAMES C. CLEARWATER, LS 782-8681
(Name) (Phone)

7. Project Location:

On the WEST side of LAKE ROAD 1342 feet
(Direction) (Street) (No.)
NORTH of CONRAIL TRACKS
(Direction) (Street)

8. Project Data: Acreage 5.17 Zone R-1 School Dist. WASHINGTONVILLE

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes X No _____

***This information can be verified in the Assessor's Office.**

***If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".**

10. Description of Project: (Use, Size, Number of Lots, etc.) SUBDIVISION to CREATE 4 SINGLE FAMILY RESIDENTIAL LOTS ACCESSING LAKE ROAD VIA PRIVATE ROADS

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

1st DAY OF July 1998

John Amarte
APPLICANT'S SIGNATURE

Deborah Green
NOTARY PUBLIC
DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

John Amarte
Please Print Applicant's Name as Signed

TOWN USE ONLY:

98 - 23

DATE APPLICATION RECEIVED

APPLICATION NUMBER

AGRICULTURAL DISTRICT NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision/Site Plan SUBDIVISION

for the proposed FOUR LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION
(briefly describe project)
OF 5.2 AC. PARCEL ON WEST SIDE OF LAKE ROAD 1342 FT. NORTH
OF CONRAIL TRACKS ADJOINING AG. DISTRICT N^o 1

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

Owner/Applicant DELJO ENTERPRISES, INC JOHN AMANTE, Sec.
Name

Address: PO Box 321
CHESTER, N.Y. 10910

Project Location: Sec. 51 Blk. 1 Lot 105
Tax Map # Sec., Block, Lot

Street: LAKE ROAD

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y.

Date: _____

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,
Chairman

Consulting Civil Engineers
110 Stage Rd. 120 Woodland Ave.
MONROE, NY 10950 WESTWOOD, NJ 07675
(914) 782-8681 (201) 666-0534

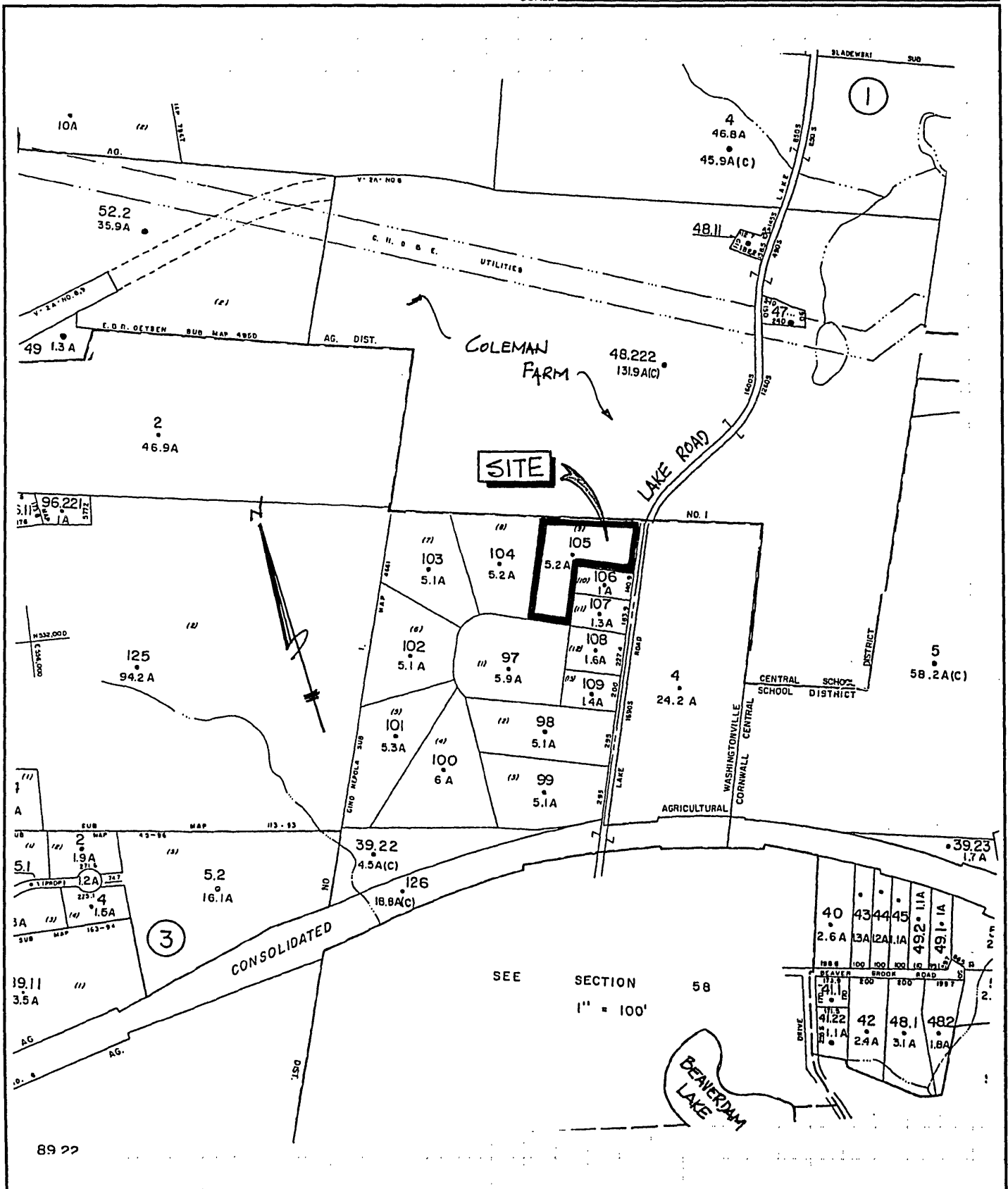
JOB DELJO ENTERPRISES, INC

SHEET NO. OF

CALCULATED BY DATE

CHECKED BY DATE JULY 1, 1998

SCALE 1" = 800' ±



IF APPLICABLE "XX"

**This form to be completed only if you answer "yes" to question #9 on the application form.

AGRICULTURAL DATA STATEMENT

1. Name and Address of Applicant:

DELJO ENTERPRISES, INC
P.O. BOX 361, CHESTER, N.Y. 10918

2. Description of proposed project and its locations:

FOUR LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION OF
5.2 AC. PARCEL ON WEST SIDE OF LAKE RD. 1342 FT. NORTH
OF CONRAIL TRACKS

3. Name and address of any owner of land within the Agricultural District:

FRANKS G. COLEMAN JR. SEC. 57 BLK. 1 LOT 4
SEC. 54 BLK. 1 LOT 48.222
431 LAKE RD, NEW WINDSOR, N.Y. 12553

4. Name and address of any owner of land containing farm operations located within 500 feet of the boundary of the subject property.

SAME

5. A map is submitted herewith showing the site of the proposed project relative to the location of farm operations identified in this statement.

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

JOHN AMANTE, SEC., DELJO ENTERPRISES, INC. deposes and says that he resides
(OWNER)

at PO BOX 361 CHESTER, NY 10918 in the County of ORANGE
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 51 Block 1 Lot 105) which is the premises described in
the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

JAMES C. CLEARWATER, L.S. / RAIMONDI ENGINEERING, PC
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: July 1, 1998

Deborah Green
Witness' Signature

John Amante Sec
Owner's Signature

Applicant's Signature if different than owner

James C. Clearwater
Representative's Signature

**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR
REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED
TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

July 1, 1998

DETERMINATION OF SIGNIFICANCE—Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☒ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED** negative declaration will be prepared.*
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a positive declaration will be prepared.

* A Conditioned Negative Declaration is only valid for Unlisted Actions

"SUBMISSION FOR DELJO ENTERPRISES, INC."

Name of Action

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

PART 1—PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

NAME OF ACTION <u>DELJO ENTERPRISES, INC</u>			
LOCATION OF ACTION (Include Street Address, Municipality and County) <u>LAKE ROAD, NEW WINDSOR, ORANGE SEC. 57 BLK. 1 LOT 105</u>			
NAME OF APPLICANT/SPONSOR <u>DELJO ENTERPRISES, INC</u>		BUSINESS TELEPHONE <u>(914) 496-5320</u>	
ADDRESS <u>PO BOX 361</u>			
CITY/PO <u>CHESTER</u>		STATE <u>N.Y.</u>	ZIP CODE <u>10918</u>
NAME OF OWNER (If different) <u>SAME</u>		BUSINESS TELEPHONE <u>()</u>	
ADDRESS			
CITY/PO		STATE	ZIP CODE
DESCRIPTION OF ACTION <u>FOUR LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION OF 5.2 AC. PARCEL ON WEST SIDE OF LAKE RD. 1342 FT. NORTH OF CONRAIL TRACKS</u>			

Please Complete Each Question—Indicate N.A. if not applicable

A. Site Description

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: ☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: 5.2 acres.

APPROXIMATE ACREAGE

Meadow or Brushland (Non-agricultural) _____

Forested / OVERGROWN FORMER AG. LAND _____

Agricultural (Includes orchards, cropland, pasture, etc) _____

Wetland (Freshwater or tidal as per Articles 24, 25 of ECL) _____

Water Surface Area _____

Unvegetated (Rock, earth or fill) _____

Roads, buildings and other paved surfaces _____

Other (Indicate type) LAWN _____

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested / <u>OVERGROWN FORMER AG. LAND</u>	<u>5.2</u> acres	<u>2.7</u> acres
Agricultural (Includes orchards, cropland, pasture, etc)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24, 25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>0</u> acres	<u>0.5</u> acres
Other (Indicate type) <u>LAWN</u>	<u>0</u> acres	<u>2</u> acres

3. What is predominant soil type(s) on project site? MARDIN

- a. Soil drainage: ☐ Well drained 100 % of site ☐ Moderately well drained 0 % of site
☐ Poorly drained 0 % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? N/A acres. (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock? _____ (in feet)

5. Approximate percentage of proposed project site with slopes: ☒ 0-10% 100 % ☐ 10-15% _____ %
☐ 15% or greater _____ %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? _____ (in feet) GREATER THAN 5 FT. AS PER SOIL CON. SERVICE; SEE ALSO DEEP SOIL TESTS
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
☐ Yes ☒ No According to _____
Identify each species _____
12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations)
☐ Yes ☒ No Describe _____
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☐ Yes ☒ No If yes, explain _____
14. Does the present site include scenic views known to be important to the community?
☐ Yes ☒ No
15. Streams within or contiguous to project area: NONE
a. Name of Stream and name of River to which it is tributary _____
16. Lakes, ponds, wetland areas within or contiguous to project area:
a. Name NONE b. Size (In acres) _____
17. Is the site served by existing public utilities? ☒ Yes ☐ No ELECTRIC & TELEPHONE
a) If Yes, does sufficient capacity exist to allow connection? ☐ Yes ☐ No UNDETERMINED
b) If Yes, will improvements be necessary to allow connection? ☐ Yes ☐ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor 5.2 acres.
- b. Project acreage to be developed: 5.2 acres initially; 5.2 acres ultimately.
- c. Project acreage to remain undeveloped 0 acres.
- d. Length of project, in miles: N/A (If appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed N/A %;
- f. Number of off-street parking spaces existing 0; proposed 8.
- g. Maximum vehicular trips generated per hour 8 (upon completion of project)?
- h. If residential: Number and type of housing units:
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | <u>4</u> | <u>-</u> | <u>-</u> | <u>-</u> |
| Ultimately | <u>4</u> | <u>-</u> | <u>-</u> | <u>-</u> |
- i. Dimensions (in feet) of largest proposed structure 25 height; 30 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 318.8 ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards
3. Will disturbed areas be reclaimed? ☒ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed? RESIDENTIAL BUILDING SITES
- b. Will topsoil be stockpiled for reclamation? ☒ Yes ☐ No
- c. Will upper subsoil be stockpiled for reclamation? ☒ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0.5 acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project? ☐ Yes ☒ No
6. If single phase project: Anticipated period of construction 24 months, (including demolition).
7. If multi-phased: N/A
- a. Total number of phases anticipated _____ (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition).
- c. Approximate completion date of final phase _____ month _____ year.
- d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No
8. Will blasting occur during construction? ☐ Yes ☒ No
9. Number of jobs generated: during construction 4; after project is complete 0
10. Number of jobs eliminated by this project 0.
11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No If yes, explain _____
12. Is surface liquid waste disposal involved? ☐ Yes ☒ No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? ☒ Yes ☐ No Type RESIDENTIAL SEPTIC SYSTEMS
14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No
- Explain _____
15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No
16. Will the project generate solid waste? ☒ Yes ☐ No
- a. If yes, what is the amount per month 0.4 tons 200 LBS/MON./HOUSE
- b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No
- c. If yes, give name ORANGE Co. TRANSFER STATION; location RT. 17K NEWBORGH
- d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☒ Yes ☐ No
- e. If Yes, explain MANDATORY RECYCLING
17. Will the project involve the disposal of solid waste? ☐ Yes ☒ No
- a. If yes, what is the anticipated rate of disposal? ~~200~~ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? ☐ Yes ☒ No
19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No
20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No
21. Will project result in an increase in energy use? ☒ Yes ☐ No
- If yes, indicate type(s) RESIDENTIAL ELECTRIC & HEATING FUEL - 4 HOMES
22. If water supply is from wells, indicate pumping capacity 5 gallons/minute/MIN. PER WELL
23. Total anticipated water usage per day 1760 gallons/day. 440 G./DAY/HSE.
24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No
- If Yes, explain _____

25. Approvals Required:

	Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>JULY 2, 1998</u>
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ zoning amendment ☐ zoning variance ☐ special use permit ☒ subdivision ☐ site plan
☐ new/revision of master plan ☐ resource management plan ☐ other

2. What is the zoning classification(s) of the site? R-1 RESIDENTIAL ONE ACRE

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

FOUR LOTS

4. What is the proposed zoning of the site? NO CHANGE PROPOSED

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

R-1, R-4

8. Is the proposed action compatible with adjoining/surrounding land uses within a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? 4

a. What is the minimum lot size proposed? 1 ACRE

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? ☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic? ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name DELUXE ENTERPRISES, INC.

Date JULY 1, 1998

Signature JAMES C. CLEARWATER Title RAYMOND ENGINEERING, PC / PROJECT ENG. & LAND SURVEYOR

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- Answer each of the 19 questions in PART 2. Answer Yes if there will be any impact.
- Maybe answers should be considered as Yes answers.
- If answering Yes to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

- Will the proposed action result in a physical change to the project site?

☐ NO ☐ YES

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage.
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts _____

- Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.) ☐ NO ☐ YES

- Specific land forms: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
- ☐ NO ☐ YES

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts: _____

4. Will proposed action affect any non-protected existing or new body of water? ☐NO ☐YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts: _____

5. Will Proposed Action affect surface or groundwater quality or quantity? ☐ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts: _____

6. Will proposed action alter drainage flow or patterns, or surface water runoff? ☐NO ☐YES

Examples that would apply to column 2

- Proposed Action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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- Proposed Action may cause substantial erosion.
- Proposed Action is incompatible with existing drainage patterns.
- Proposed Action will allow development in a designated floodway.
- Other impacts: _____

IMPACT ON AIR

7. Will proposed action affect air quality? ☐ NO ☐ YES
- Examples that would apply to column 2
- Proposed Action will induce 1,000 or more vehicle trips in any given hour.
 - Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
 - Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.
 - Proposed action will allow an increase in the amount of land committed to industrial use.
 - Proposed action will allow an increase in the density of industrial development within existing industrial areas.
 - Other impacts: _____

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species? ☐ NO ☐ YES
- Examples that would apply to column 2
- Reduction of one or more species listed on the New York or Federal list, using the site, over or near site or found on the site.
 - Removal of any portion of a critical or significant wildlife habitat.
 - Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.
 - Other impacts: _____

9. Will Proposed Action substantially affect non-threatened or non-endangered species? ☐ NO ☐ YES
- Examples that would apply to column 2
- Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.
 - Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will the Proposed Action affect agricultural land resources? ☐ NO ☐ YES
- Examples that would apply to column 2
- The proposed action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)

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11. Will proposed action affect aesthetic resources? ☐ NO ☐ YES
(If necessary, use the Visual EAF Addendum in Section 617.21, Appendix B.)

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.
- Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.
- Project components that will result in the elimination or significant screening of scenic views known to be important to the area.
- Other impacts: _____

12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? ☐ NO ☐ YES

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archaeological site or fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.
- Other impacts: _____

13. Will Proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts: _____

☐ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.
- Other impacts: _____

IMPACT ON ENERGY

☐ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts: _____

NOISE AND ODOR IMPACTS

☐ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed Action will remove natural barriers that would act as a noise screen.
- Other impacts: _____

IMPACT ON PUBLIC HEALTH

☐ NO ☐ YES

Examples that would apply to column 2

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts: _____

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IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

18. Will proposed action affect the character of the existing community?
☐ NO ☐ YES

Examples that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)
- Proposed Action will set an important precedent for future projects.
- Proposed Action will create or eliminate employment.
- Other impacts: _____

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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19. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?
☐ NO ☐ YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or
If You Cannot Determine the Magnitude of Impact, Proceed to Part 3**

Part 3—EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is important.

To answer the question of importance, consider:

- The probability of the impact occurring
- The duration of the impact
- Its irreversibility, including permanently lost resources of value
- Whether the impact can or will be controlled
- The regional consequence of the impact
- Its potential divergence from local needs and goals
- Whether known objections to the project relate to this impact.

(Continue on attachments)

- 3 TOTAL AREA OF TRACT: 53.011 ACRES. ±
4 NUMBER OF LOTS: 13
Δ 5 ZONING R-1 & R4A BULK REGULATIONS: AREA 1 ACRE
LOT WIDTH 125'
FRONTAGE 70'
Δ FRONT YARD 45' OR (70' SEE NOTE)
SIDE YARD 20' TOTAL 40'
REAR YARD 50'
- 6 ALL NEW DWELLINGS SHALL BE SINGLE FAMILY.
Δ 7 THE COMMON PRIVATE DRIVEWAY AS SHOWN HEREON WILL REMAIN A PRIVATE DRIVEWAY UNLESS REQUESTED TO BE A TOWN ROAD BY THE INITIATIVE OF THE TOWN OF NEW WINDSOR.
8 SEWAGE DISPOSAL BY INDIVIDUAL SEPTIC SYSTEMS. WATER SUPPLY BY INDIVIDUAL WELLS. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, THE SEPTIC SYSTEM SHALL BE DESIGNED BY A PROFESSIONAL, LICENSED BY THE STATE OF NEW YORK FOR SUCH DESIGN, AND SHALL BE APPROVED BY THE TOWN ENGINEER AND BUILDING INSPECTOR.
9 NO LOT SHOWN ON THIS PLAT SHALL BE FURTHER SUBDIVIDED FOR A PERIOD OF TWENTY YEARS FROM THE DATE OF FINAL APPROVAL AND SUBSEQUENT FILING OF THIS PLAT.
10 THE INDIVIDUAL OWNERS OF ALL LOTS WITHIN THIS SUBDIVISION, WITH THE EXCEPTION OF LOTS #3, #10 & #13 SHALL BE SOLELY & COMPLETELY RESPONSIBLE FOR THE COST OF ALL MAINTENANCE, INCLUDING SNOW REMOVAL OF THE PRIVATE DRIVEWAY AS SHOWN HEREON.
11 SURVEY "AS IN POSSESSION" AND FROM DEEDS & MAPS OF RECORD.
12 EASEMENTS OR RIGHT OF WAYS ON, OR UNDER THE LANDS AND NOT VISIBLE, ARE NOT SHOWN.
13 TOPOGRAPHY SHOWN HEREON IS APPROXIMATE. INTERIOR WALLS, FENCES & FARM LANES, DITCHES ETC. ARE NOT SHOWN.
Δ 14 HOUSES SHALL BE SET BACK A MINIMUM OF 70 FEET FROM THE PROPERTY LINE IN THE CENTER OF THE COMMON DRIVEWAY.
Δ 15 CULVERTS TO BE INSTALLED ON PRIVATE DRIVEWAY AT THE DIRECTION OF THE TOWN ENGINEER.

Final ~~1771-1771~~ APPROVAL GRANTED

BY TOWN OF NEW WINDSOR PLANNING BOARD

ON SEPT 13, 1978

BY

[Signature]

SUBDIVISION PREPARED FOR:

Gino Nepola

TOWN OF NEW WINDSOR, ORANGE COUNTY, N.Y.

SCALE: 1"=100'

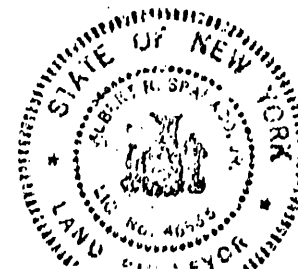
AUGUST 9, 1978

A.R. SPARACO JR. PLS

SURVEYORS & PLANNERS

SUFFERN, N.Y.

Δ REV: SEPTEMBER 7, 1978



LIBER 2275 PG 890

PRIVATE ROAD MAINTENANCE DECLARATION

This Declaration dated the 26 day of January, 1984 is intended to refer to a subdivision entitled "Gino Nepola Subdivision" in the Town of New Windsor, County of Orange, State of New York, subdivided by GINO NEPOLA (hereinafter referred to as Nepola), said subdivision plot being dated August 9, 1978, and last revised on September 7, 1978, and

W I T N E S S E T H

WHEREAS, Nepola has heretofore subdivided certain real property on New York State Lake Road in the Town of New Windsor, County of Orange, State of New York into thirteen (13) lots known as "Gino Nepola Subdivision" said subdivision being shown on Map No. 4661 and filed in the Orange County Clerks Office on October 2, 1978, and

WHEREAS, there is a private road the center line of which forms the boundary between several of the lots as shown on the aforesaid map, and

WHEREAS, the said road extends from Lake Road on the east and through several of the lots as shown on the aforesaid map and to a cul-de-sac,

WHEREAS, Lots No. 1, 2, 4, 5, 6, 7, 8, 9, 11, and 12 will have access to the use of the private road leading from Lake Road as aforesaid, and

WHEREAS, it is in the best interest of all parties who will own the aforesaid Lots 1, 2, 4, 5, 6, 7, 8, 9, 11, and 12 to have an agreement that sets forth the intent to maintain the private road in

a passable condition and sets forth the apportionment of expenses for the repair of said road, and

WHEREAS, Nepola is now the owner in fee simple absolute of Lots 1, 2, 4, 5, 6, 7, 8, 9, 11, and 12, and

WHEREAS, it is the intention of Nepola to file this declaration and make the provisions of this declaration binding upon the lot owners set forth above or any other lot owners that will eventually use the private road.

It is hereby declared as follows:

1. Nepola will construct a road along the Right-of-Way as shown on the aforesaid map referred to above, being from Lake Road.

2. This road shall extend from Lake Road to the cul-de-sac as shown on the aforesaid map.

3. Nepola will refer to this declaration in the deeds conveying title to Lots 1, 2, 4, 5, 6, 7, 8, 9, 11 and 12 on said map and will cause future owners of these lots to assume the obligations under this agreement.

4. The owners of the respective lots shall meet at least annually to determine what maintenance shall be done on the road for the coming year. The owners shall also agree on a method of determining when contractors shall be requested to perform maintenance on the right-of-way, remove snow or sand when snow or ice conditions prevail.

5. All decisions for improvement of the right-of-way shall be made with a majority of the lot owners present, and each lot owner shall have an equal vote regardless of the length of road passing through or touching his lot. A majority of the Lot owners that can

LIBER 2275 PG 692

vote (See Paragraph 7) shall constitute a quorum for any meeting of the lot owners.

6. The owner of the first lot obtaining a building permit for a residence or dwelling shall have the responsibility of chairing the first meeting of the lot owners and arranging for the first meeting of the lot owners. This individual shall be referred to as "Manager". Thereafter, the lot owners shall elect an individual to act as the Manager of the road.

7. No lot owner shall be responsible for any maintenance and shall not have a vote until such time as a building permit is issued for the construction of a residence or dwelling on the said lot.

8. The Manager of the road shall receive notification of any sums that may be due and owing from the owners of participating lots for the maintenance of the road. Upon the receipt of an invoice for an expense of the road, the Manager shall immediately notify the respective owners of the total amount of the invoice and their proportionate share of the expense. Within five (5) days of the receipt of this notification, the respective lot owners shall forthwith deliver a check made payable to the contractor to the Manager who in turn shall contribute his share of the expense and forward all checks to the contractor in full satisfaction of this obligation.

9. In the event one of the lot owners fails to forward his proportionate share of the expense within five (5) days as set forth above, the Manager shall be authorized to forward the portion of the invoice that has been paid to the Contractor with a statement setting

torth the proportionate share that remains unpaid and the lot owner that has not paid his share. The lot owner who has not paid his proportionate share shall subject his real property to the lien of the Contractor as if he had executed the contract for the performance of the work. For the purpose of this declaration each lot owner that is affected by this agreement hereby gives his authorization and by accepting a deed to the respective lot does hereby accept the conditions that a majority vote for the performance of work and the acts of the Manager in carrying out the directive of the lot owners, shall be done by the Manager as an Agent of the lot owner and the lot owner consents to his actions and agrees to be bound by them.

10. Unless otherwise agreed among the lot owners, it is hereby declared that in the event the accumulation of snow exceeds four inches in depth, as the average depth, the Manager is authorized to engage a Contractor to remove the snow from the Right-of-way without further authorization from the lot owners.

11. All lot owners agree that the road shall always be maintained so as to be passable by ordinary passenger vehicle and this shall include any "potholes" that exceed four inches in depth and grading the road when the difference in elevation of all portions of the traveled area exceeds six inches.

Dated: *January 26, 1984*

[Signature]
GINO NEPOLA

[Signature]
ELIZABETH

[Signature]
PATRICIA NEPOLA

-4-